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**MATT BLUNT**

**SECRETARY OF STATE**

# MISSOURI REGISTER

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**SECRETARY OF STATE**

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May 1, 2002	June 3, 2002	June 30, 2002	July 30, 2002
May 15, 2002	June 17, 2002	June 30, 2002	July 30, 2002
June 3, 2002	July 1, 2002	July 31, 2002	August 30, 2002
June 17, 2002	July 15, 2002	July 31, 2002	August 30, 2002
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October 15, 2002	November 15, 2002	November 30, 2002	December 30, 2002
November 1, 2002	December 2, 2002	December 31, 2002	January 30, 2003
November 15, 2002	December 16, 2002	December 31, 2002	January 30, 2003
December 2, 2002	January 2, 2003	January 29, 2003	February 28, 2003
December 16, 2002	January 16, 2003	January 29, 2003	February 28, 2003
January 2, 2003	February 3, 2003	February 28, 2003	March 30, 2003
January 16, 2003	February 18, 2003	February 28, 2003	March 30, 2003
February 3, 2003	March 3, 2003	March 31, 2003	April 30, 2003
February 18, 2003	March 17, 2003	March 31, 2003	April 30, 2003

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733	West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865
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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 10—Adjutant General  
Chapter 5—Missouri World War II Veterans'  
Recognition Program**

**EMERGENCY AMENDMENT**

**11 CSR 10-5.010 Missouri World War II Veterans' Recognition Program.** The division is amending sections (1), (4), (6) and (8).

*PURPOSE: This amendment extends the period for applying for World War II recognition awards and also amends the criteria for who can apply for awards.*

*EMERGENCY STATEMENT: This emergency amendment informs Missouri World War II veterans and their spouses that the period for applying for recognition awards has been extended and that the eligibility criteria and the World War II service dates have been revised. This emergency amendment is necessary because of the compelling governmental interest to honor Missouri's 435,000 World War II veterans for their patriotic service to our state and nation and due to the age of these veterans is becoming critical. The law extending the application period through July 1, 2003 leaves little time to notify these veterans of their eligibility. Implementing an emergency amendment for the program will ensure that Missouri's compelling need to recognize these veterans will be achieved in a timely and comprehensive manner. A pro-*

*posed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Office of the Adjutant General believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 22, 2002, effective August 1, 2002 and expires February 27, 2003.*

(1) Definitions as used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(I) Eligible World War II veteran—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning December 7, 1941 and ending [September 30, 1945] **December 31, 1946** provided 1) that such veteran was a legal resident of the state of Missouri on August 28, 2000 [and] **or was a legal resident of this state at the time of his or her death** 2) such veteran was honorably separated or discharged from military service or is still in active service in honorable status, **or was legal resident of this state at the time of his or her death;**

(R) Spouse—Married person, i.e.: husband, wife;

[(R)](S) Veteran—Any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency;

[(S)](T) Veterans Commission—The commission created by section 42.007, RSMo;

[(T)](U) World War II—The World War beginning December 7, 1941, and ending [September 30, 1945] **December 31, 1946;**

[(U)](V) World War II Veterans' Recognition Award Fund—As defined in section 42.195, RSMo, consisting of gifts, bequests, and donations to be administered by the Adjutant General.

(4) To be eligible for the World War II Veterans' Recognition Awards, the veteran must:

(A) Have served on active duty in the United States military service at anytime beginning December 7, 1941, and ending [September 30, 1945] **December 31, 1946;**

(B) Be a legal resident of Missouri on August 28, 2000 **or was a legal resident of this state at the time of his or her death;** [and]

(C) Be honorably separated or discharged from military service or be currently in active service in an honorable status/./; **or**

(D) **Any spouse of a veteran, who is entitled to a World War II recognition award under this rule but who died prior to having made application for the award, may apply.**

(6) World War II and "D-Day" Invasion of Europe veterans, to obtain authorized medals, medallions, and certificates, must complete an application form and provide copies of appropriate World War II service record verification forms to the Office of the Adjutant General, Attention: Director, WWII Veteran Recognition Program, 2303 Militia Drive, Jefferson City, MO 65101-1203. Applications must be submitted anytime after January 1, 2001, and before [January 1, 2002] **July 1, 2003.** Applications and service forms will not be returned and will become property of the state of Missouri.

(8) If any person dies after applying for a medallion [or], medal and a certificate pursuant to sections 42.170 to 42.190, RSMo, and such person would have been entitled to the medallion, medal, and the certificate, the Adjutant General shall [give] **award the medallion, medal, and the certificate [to] in the following order:**

(A) **To the spouse of the deceased veteran; or**

(B) The person to whom the largest portion of the veteran's estate was given in such veteran's will/.; **or**

(C) If the estate was split evenly among two (2) or more persons, *[the surviving spouse,]* the eldest living child or the closest relative by degree of consanguinity, in that order, shall receive the medallion, medal, and the certificate/.; **or**

(D) If there is no will, the veteran's intestate survivor shall receive the medallion, medal, and the certificate.

*AUTHORITY: section 42.175, RSMo 2000. Original rule filed Sept. 14, 2000, effective March 30, 2001. Emergency amendment filed July 22, 2002, effective Aug. 1, 2002, expires Feb. 27, 2003. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 30—Missouri Board for Architects, Professional Engineers, *[and]* Professional Land Surveyors, *and Landscape Architects* Chapter 6—Fees

#### PROPOSED AMENDMENT

**4 CSR 30-6.015 Application, Renewal, Reinstatement, Reregistration and Miscellaneous Fees.** The board is proposing to amend the division title, section (1) and add a new section (4).

**PURPOSE:** *The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects is statutorily obligated to enforce and administer the provisions of*

*Chapter 327, RSMo. Pursuant to section 327.431, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 327, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 327, RSMo. The board recently contracted with the National Council of Examiners for Engineering and Surveying (NCEES) to administer the Fundamentals of Engineering, the Principles & Practice of Engineering, the Fundamentals of Land Surveying and the Principles & Practice of Land Surveying examinations. Therefore, this rule is being amended to reduce the application filing fees of these particular examinations since these applicants will be required to reimburse the NCEES directly for test administration fees and the actual cost of the test booklet and the scoring of the examination. In addition, pursuant to the passage of HB 567, the Landscape Architect Council is abolished and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects is established. Thus, the following fees are also being amended to include the appropriate fees for the landscape architects.*

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, *[and]* Professional Land Surveyors **and Landscape Architects**:

(D) Professional Engineer Application Filing Fee—Examination	<i>[\$200.00]</i> \$100.00
(F) Land Surveyor Application Filing Fee—Examination	<i>[\$200.00]</i> <b>\$100.00</b>
(H) Landscape Architect Application Filing Fee—Comity	<b>\$200.00</b>
(I) Landscape Architect Application Filing Fee—Examination	<b>\$100.00</b>
(J) Missouri Plant Material Examination	<b>\$100.00</b>
<i>[(H)]</i> (K) 327.391 Application Filing Fee	\$200.00
<i>[(I)]</i> (L) Engineer Intern Application Filing Fee	<i>[\$ 50.00]</i> <b>\$10.00</b>
<i>[(J)]</i> (M) Land Surveyor-in-Training Application Filing Fee	<i>[\$ 70.00]</i> <b>\$10.00</b>
<i>[(K)]</i> (N) Individual Renewal Fee	\$100.00
(O) Individual Reactivation Fee	<b>\$100.00</b>
<i>[(L)]</i> (P) Individual Reinstatement Fee	\$150.00
<i>[(M)]</i> (Q) Individual <i>[Reregistration]</i> Relicensure Fee	\$200.00
<i>[(N)]</i> (R) Corporate Application Fee	\$300.00
<i>[(O)]</i> (S) Corporate Renewal Fee	\$200.00
<i>[(P)]</i> (T) Corporate Reinstatement Fee	\$250.00
<i>[(Q)]</i> (U) Corporate Reauthorization Fee	\$300.00
<i>[(R)]</i> (V) Certification Fee	\$ 10.00
<i>[(S)]</i> (W) Duplicate Certificate License Fee	\$ 10.00
<i>[(T)]</i> (X) Architectural Routing Fee	\$ 25.00
<i>[(U)]</i> Out of State Proctor Fee	<i>\$ 100.00]</i>
(Y) Insufficient Funds Check Charge	<b>\$ 25.00</b>
<i>[(V)]</i> (Z) Evaluation of Non-Accredited Engineering Degrees	\$300.00/.]

(4) In addition to the fees established in section (1) of this rule, the applicant shall pay the company or organization selected by the board to administer and/or score any required examination(s) such fee as is determined by agreement of the board and the selected company or organization to be appropriate.

**AUTHORITY:** *section 327.041, RSMo [2000] Supp. 2001. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2002.*

***PUBLIC COST:** This proposed amendment is estimated to cost state agencies and political subdivisions an estimated eight dollars and eighty-nine cents (\$8.89) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

***PRIVATE COST:** This proposed amendment is estimated to cost private entities approximately eleven thousand four hundred seventy-five dollars (\$11,475) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

***NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



**PUBLIC ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division: 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors**

**Chapter 6 - Fees**

**Proposed Rule - 4 CSR 30-6.015 Applications, Renewal, Reinstatement, Reregistration and Miscellaneous Fees**

Prepared April 15, 2002 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers and Professional Land Surveyors	\$8.89
<b>Total Annual Cost of Compliance for the Life of the Rule</b>	
	\$8.89

**III. WORKSHEET**

Expenditure of Money

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Letterhead	\$0.15	3	\$0.45
Envelope for Mailing Correspondence	\$0.16	3	\$0.48
Postage for Mailing Correspondence	\$0.34	3	\$1.02
<b>Total expense and equipment cost associated with printing and mailing applications</b>			\$1.95

Insufficient funds are processed by the Account Clerk II by reviewing the initial application for licensure and updates the information in the computerized licensing system. The Office Support Assistant processes the request for reactivation by updating the information in the computerized licensing system. The figures below represent the personal service costs paid by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects for the initial licensure process.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Account Clerk II	\$22,344.00	\$29,963.30	\$14.41	\$0.24	3 minutes	\$0.72	\$2.16
Office Support Assistant	\$21,192.00	\$28,418.47	\$13.66	\$0.23	7 minutes	\$1.59	\$4.78
<b>Total personal service costs associated with printing and mailing the applications for licensure to applicant</b>							\$6.94

**IV. ASSUMPTION**

1. The number of applications are based on actual figures from FY01 and projected figures in FY02.
2. Employee's salaries were calculated using their annual salary multiplied by 34.1% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 4 -Department of Economic Development****Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects****Chapter 6 - Fees****Proposed Rule - 4 CSR 30-6.015 Application, Renewal, Reinstatement, Reregistration, and Miscellaneous Fees**

Prepared June 5, 2002 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2	Licensees (reactivation fee @ \$100)	\$200.00
3	Licensees (returned check fee @ \$25)	\$75.00
56	Licensees (relicensure fee @ \$200)	\$11,200.00
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$11,475.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

- 1 Fees for the examination were not shown as a reduction in the private entity cost since applicants will be required to reimburse the National Council of Examiners for Engineering and Surveying (NCEES) directly for test administration fees and the actual cost of the test booklet and the scoring of the examination.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 30—Missouri Board for Architects,  
Professional Engineers, [and] Professional Land  
Surveyors, and Landscape Architects  
Chapter 6—Fees**

**PROPOSED AMENDMENT**

**4 CSR 30-6.020 Reexamination Fees.** The board is proposing to amend the division title, section (1) and add a new section (3).

*PURPOSE:* The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects is statutorily obligated to enforce and administer the provisions of Chapter 327, RSMo. Pursuant to section 327.431, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 327, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 327, RSMo. The board recently contracted with the National Council of Examiners for Engineering and Surveying (NCEES) to administer the Fundamentals of Engineering, the Principles & Practice of Engineering, the Fundamentals of Land Surveying and the Principles & Practice of Land Surveying examinations. Therefore, this rule is being amended to reduce the application filing fees of these particular examinations since these applicants will be required to reimburse the NCEES directly for test administration fees and the actual cost of the test booklet and the scoring of the examination. In addition, pursuant to the passage of HB 567, the Landscape Architect Council is abolished and the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects is established. Thus, the following fees are also being amended to include the appropriate fees for the landscape architects.

(1) The following reexamination/rescheduling application filing fees are established by the Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects:

(A) Professional Engineer [Reexamination Fee]	[\$ 150.00] \$50.00
(B) Engineer Intern and Fundamentals of Engineering [Reexamination Fee]	[\$ 100.00] \$50.00
(C) Land Surveyor Missouri Specific [Reexamination Fee]	\$ 75.00
(D) Principles and Practice of Land Surveying [Reexamination Fee]	[\$ 150.00] \$50.00
(E) Land Surveyor-in-Training and Fundamentals of Land Surveying [Reexamination Fee]	[\$ 100.00.] \$50.00
(F) Landscape Architect	\$50.00
(G) Landscape Architect Missouri Plant Material	\$75.00

(3) In addition to the fees established in section (1) of this rule, the applicant shall pay the company or organization selected by the board to administer and/or score any required examination(s) such fee as is determined by agreement of the board and the selected company or organization to be appropriate.

*AUTHORITY:* section 327.041, RSMo [2000] Supp. 2001. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate as applicants will be required to reimburse the testing service directly for test administration fees and the actual cost of the test booklet and the scoring of the examination.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 110—Missouri Dental Board  
Chapter 2—General Rules**

**PROPOSED RESCISSION**

**4 CSR 110-2.110 Addressing the Public—Dentists.** This rule regulated the manner in which a dentist advertised.

*PURPOSE:* The board is proposing to rescind and readopt this rule in order to provide specific language that dentists and dental specialists are to use when advertising services to the public.

*AUTHORITY:* section 332.031, RSMo 1986. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 28, 2002.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 110—Missouri Dental Board  
Chapter 2—General Rules**

**PROPOSED RULE**

**4 CSR 110-2.110 Addressing the Public—Dentists**

*PURPOSE:* This rule regulates the manner in which a dentist may advertise.

(1) For the purpose of these rules, advertising shall mean any communication, whether oral or written, between a dentist or other entity acting on behalf of one (1) or more dentists and the public. It shall include, but not be limited to: business cards, signs,

insignias, letterheads, web pages, Internet communications, radio, television, newspaper and magazine ads, and display or group ads or listings in telephone directories, or both.

(2) Any advertising engaged in by a duly registered and currently licensed dentist in Missouri shall be in compliance with the provisions set out in section 332.321.2(14), RSMo.

(3) A duly registered and currently licensed dentist shall not use or participate in the use of any advertising containing a false, fraudulent, misleading, deceptive or unfair statement or claim.

(4) Any advertisement must contain the name of one (1) or more of the duly registered and currently licensed dentists regularly employed in and responsible for the management, supervision and operation of each office location listed in the advertisement.

(5) A duly registered and currently licensed dentist may—

(A) Use the titles or degrees, such as doctor, dentist, D.D.S. or D.M.D. if the dentist holds a degree(s) from an accredited dental school. A dentist who has a medical degree may also use that degree;

(B) Use the title Diplomate in connection with his/her specialty if he/she has been conveyed that status by the specialty board recognized by the American Dental Association; and

(C) Use the words specialist, specializing in, limited to the specialty of, or practice limited to if the dentist has a current license issued by the board entitling him/her to engage in a specialty practice.

(6) Any announcement of services by a general practitioner shall state in a prominent manner that the dental practice is one of general dentistry.

(A) This announcement of the general practice of dentistry shall be clearly legible, with print equal to or larger than the announcement of services, and clearly audible, with speech volume and pace equal to the announcement of services.

(B) If terms implying services associated with specialty practices are used, a disclaimer must be used. Such terms include, but are not limited to: orthodontics, braces, endodontics, root canals, periodontics, gum surgery, oral surgery, extractions, prosthodontics, crowns, bridges, full or partial dentures. The disclaimer shall be clearly legible, with print equal to or larger than the announcement of services, and clearly audible, with speech volume and pace equal to the announcement of services. The disclaimer shall state: "This provider is not a specialist in (*list specialty areas referenced*)."

(7) Any announcement or advertisement of services implying non-specialty interest areas which are not recognized by the American Dental Association must include a disclaimer. Non-specialty interest areas include, but are not limited to: bleaching, cosmetic dentistry, implantology, implant dentistry and temporomandibular joint (TMJ) therapy. These or other terms which imply a non-specialty interest area must be accompanied by a disclaimer that is clearly legible, with print equal to or larger than the announcement of services, and clearly audible, with speech volume and pace equal to the announcement of services. The disclaimer shall state: "*(list non-specialty interest areas)* (*is/are*) non-specialty interest area(s) that requires no specific educational training to advertise this service."

(8) Any announcement or advertisement of conscious sedation services, which includes but is not limited to sleep dentistry and twilight sleep, cannot be used in any advertising, unless accompanied by the following disclaimer. The disclaimer shall be clearly legible, with print equal to or larger than the announcement of services, and clearly audible, with speech volume and pace equal to the announcement of services. The disclaimer shall state:

"Conscious sedation is taught as part of post-graduate residency programs approved by the American Dental Association. Dr. (*Insert Name*) (*has/has not*) completed an American Dental Association approved residency program in which conscious sedation is taught."

(9) Any duly registered and currently licensed dentist who directly or indirectly advertises the availability and price of goods, appliances or services shall do so in a clear and nondeceptive manner and include all material information necessary to fully inform members of the general public about the nature of the goods, appliances or services offered at the announced price. Any listed prices shall be extended for a reasonable period of time. Any advertised price for a routine service shall be a fixed price, with no range of fees, and no fee can be charged a patient in excess of that advertised price for that particular service.

(10) Any consumer who receives any free services, examination or treatment, in response to an advertisement, from any duly registered and licensed dentist in Missouri shall have the right to refuse to pay, cancel payment or be reimbursed for payment for any other service, examination or treatment which is performed as a result of and within seventy-two (72) hours of receiving the free service, examination or treatment, unless the other service, examination or treatment is requested by the patient at the time s/he presents him/herself for the free offer. The dentist shall inform patients in writing of their rights under this section prior to their receiving the free service, examination or treatment. Failure to comply with this language shall constitute a violation of section 332.321.2(4), (6) and (14), RSMo.

(11) Any advertising engaged in by a duly registered or licensed dentist in Missouri containing an offer of a discount or a credit toward a fee, whether expressed in terms of a particular dollar amount or a particular percentage shall contain a statement of the highest fee normally charged by the advertising dentist for the service(s) to which the discount or credit applies and a statement of exactly what service(s) are included in the offer. If the offer of a discount or credit applies to the full range of dental services offered by the dentist, then a fee schedule stating all fees for the dental services shall be made available to any person requesting it and its availability shall be noted in the advertisement.

(12) Any dental health article, message or newsletter published under a dentist's byline to the public without making truthful disclosure of the source and authorship, or designed to give rise to questionable expectations for the purpose of inducing the public to utilize the services of the sponsoring dentist, or designed to imply specialization or unusual expertise in a recognized specialty area(s) unless the sponsoring dentist is currently licensed in the particular specialty area(s) discussed shall be deemed to be a false, misleading or deceptive representation to the public.

(13) Failure to comply with this rule will subject the holder of a certificate of registration and license to practice dentistry in this state to disciplinary action in accordance with section 332.321.2(6)–(14), RSMo.

(14) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.

*AUTHORITY: sections 332.031, RSMo 2000 and 332.321, RSMo Supp. 2001. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. Amended: Filed Aug. 12, 1976, effective Dec. 11, 1976. Rescinded and readopted: Filed May 11, 1978, effective Aug. 11,*

1978. Rescinded and readopted: Filed July 26, 1979, effective Feb. 11, 1980. Rescinded and readopted: Filed Oct. 13, 1983, effective Jan. 13, 1984. Amended: Filed April 16, 1985, effective Aug. 26, 1985. Amended: Filed Oct. 17, 1986, effective Jan. 12, 1987. Amended: Filed Jan. 5, 1988, effective March 12, 1988. Rescinded and readopted: Filed June 28, 2002.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 110—Missouri Dental Board  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 110-2.240 Continuing Dental Education.** The board is proposing new language in subsection (2)(I).

**PURPOSE:** This amendment allows licensees who attend open quarterly meetings of the Missouri Dental Board to receive two (2) hours of continuing education.

(2) In order to renew a license, each dentist shall submit satisfactory evidence of completion of fifty (50) hours of continuing education during the two (2)-year period immediately preceding the renewal period and each dental hygienist shall submit satisfactory evidence of completion of thirty (30) hours of continuing education during the two (2)-year period immediately preceding the renewal period. Any hours acquired beyond the required number may be carried forward into the next time block not to exceed twenty-five (25) hours for dentists and fifteen (15) hours for dental hygienists. Of the fifty (50) hours required for dentists, not less than forty (40) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health and safety of the individual dental patient. Of the thirty (30) hours required for dental hygienists, not less than twenty-five (25) must be hours directly related to the updating and maintaining of knowledge and skills in the treatment, health and safety of the individual dental patient. One (1) hour of continuing education shall be granted for every fifty to sixty (50–60) minutes of contact (either academic or clinical) instruction.

(I) Licensees who attend the open session of the Missouri Dental Board's quarterly meetings will receive two (2) hours of continuing education credit per meeting. To qualify, licensees must sign in at the beginning of the open meeting and sign out at the end of the open meeting. These continuing education credits do not qualify as directly related to the updating and maintaining of knowledge and skills in the treatment, health and safety of the individual dental patient.

**AUTHORITY:** sections 332.031, RSMo 2000 and 332.181 and 332.261, RSMo Supp. 2001. Original rule filed Aug. 30, 1993, effective April 9, 1994. Amended: Filed June 27, 1995, effective Dec. 30, 1995. Amended: Filed Sept. 15, 1998, effective April 30,

1999. Amended: Filed Dec. 14, 2001, effective June 30, 2002. Amended: Filed June 28, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 150—State Board of Registration for the  
Healing Arts  
Chapter 3—Licensing of Physical Therapists and  
Physical Therapist Assistants**

**PROPOSED AMENDMENT**

**4 CSR 150-3.010 Applicants for Licensure as Professional Physical Therapists.** The board is proposing to amend section (2).

**PURPOSE:** The board is amending this rule to make it consistent with the American Physical Therapy Association's requirement of a master's degree in physical therapy if the applicant graduates after December 31, 2002.

(2) The applicant must furnish satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board. *[The applicant must present evidence that] If the applicant graduated on or before December 31, 2002 his/her physical therapy degree is the equivalent of a bachelor's degree in physical therapy from a United States college or university. If the applicant graduated after December 31, 2002 he/she must present evidence that his/her physical therapy degree is equivalent of a master's degree in physical therapy from a United States college or university.* An applicant who presents satisfactory evidence of graduation from a physical therapy program approved as reputable by the Commission on Accreditation in Physical Therapy Education, or its successor, shall be deemed to have complied with the education requirements of this section.

**AUTHORITY:** sections 334.125, 334.530 and 334.550, RSMo [Supp. 1999] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**4 CSR 200-4.020 Requirements for Licensure.** The board is proposing to correct a typographical error in subsection (1)(M),

delete section (7), renumber the remaining sections accordingly, amend the newly renumbered section (12).

*PURPOSE: This proposed amendment discontinues the board from accepting the Canadian nurse licensure examination. A report by the National Council of State Boards of Nursing indicates that the Canadian nurse licensure examination (Canadian Nurses' Association Testing Service (CNATS) or Canadian Registered Nurse Examination (CRNE)) is not a suitable entry-level licensure examination.*

(1) Examination.

(M) Requests for Examination Modification.

1. The Missouri State Board of Nursing and its test service shall determine if a candidate shall be allowed modification of the examination if the candidate requests the modification because of a disability defined by the Americans with Disabilities Act.

2. The candidate requesting modification shall submit a request to the Missouri State Board of Nursing. The request shall contain—

A. A letter from the candidate's nursing education program indicating what modifications, if any, were granted by that program;

B. Appropriate documentation supporting the request for accommodation from a qualified professional with expertise in the areas of the diagnosed disability. Documentation must include:

(I) A history of the disability and any past accommodation granted the candidate and a description of its impact on the individual's functioning;

(II) Identification of the specific standardized and professionally recognized tests/assessments given (e.g. Woodcock-Johnson, */Weschlet/ Weschler* Adult Intelligence Scale);

(III) Clinical diagnoses of disability (where applicable, list the DSM Code Number and Title);

(IV) The scores resulting from testing, interpretation of the scores and evaluations; and

(V) Recommendations for testing accommodations with a stated rationale as to why the requested accommodation is necessary and appropriate for the diagnosed disability; and

C. A letter from the applicant requesting the modifications detailing the specific modifications and explaining the rationale for the modifications.

3. When the request is received from the candidate with the previously listed items, the request will be reviewed.

4. If approved, a request for modification of an examination will be submitted to the National Council of State Boards of Nursing, Incorporated.

5. After the National Council of State Boards of Nursing, Incorporated has reported its decision to the Missouri State Board of Nursing, the candidate will be notified of the decision.

6. A handicapped individual is defined in the Rehabilitation Act of 1973.

*[(7) Canadian Nurses' Association Testing Service (CNATS). The Missouri State Board of Nursing recognizes the English Language Administration of the CNATS Examination and nurses who have successfully passed this examination shall be granted RN licensure by endorsement providing they meet the minimal educational requirements in Missouri in effect at the time of original licensure. Applicants for licensure by endorsement who have been licensed in Canada on the basis of a passing score on the French Language Administration of the CNATS Examination will be required to demonstrate proficiency in the English language by meeting one (1) of the following criteria:*

*(A) Completion of an accredited nursing program or its equivalent in the United States;*

*(B) A minimum score of fifty (50) in each section of the paper-based Test of English as a Foreign Language (TOEFL) Examination;*

*(C) A minimum score of sixteen (16) in the Computer-Based Listening, eighteen (18) in the Computer-Based Structure/Writing, and fifteen (15) in the Computer-Based Reading section of the Computer-Based Test of English as a Foreign Language (TOEFL) Examination;*

*(D) Completion of a nursing program given in English in another country;*

*(E) A passing score on a nursing licensure examination which is given in English;*

*(F) A certificate from the Commission on Graduates of Foreign Nursing Schools (CGFNS); or*

*(G) Any method of proof previously accepted by the Missouri State Board of Nursing.]*

*[(8)] (7) Temporary Permit. Applicants wishing to practice professional/practical nursing in Missouri following the evaluation of the application and transcript, if requested to determine if the applicant meets licensure requirements in Missouri, should submit a copy of a current nursing license from another state, territory or Canada. A temporary permit may be secured for a limited period of time six (6) months until licensure is granted or denied by the Missouri State Board of Nursing or until the temporary permit expires, whichever comes first. If the applicant does not hold a current nursing license in another state, territory or Canada, a temporary permit may be issued upon receipt of a completed endorsement verification of licensure form and transcript, if requested. Applicants from Canada may apply for a temporary permit provided for by rule.*

*[(9)] (8) Intercountry Licensure by Examination in Missouri—RN and LPN.*

*(A) Application Procedure.*

1. A professional/practical nurse licensed outside of the United States or Canada shall be entitled to apply to take the examination for licensure if, in the opinion of the Missouri State Board of Nursing, current requirements for licensure in Missouri are met.

2. An applicant must request, in writing, an Application for Professional/Practical Nurse Licensure by Examination. The request shall include the applicant's full name, current mailing address and country of original licensure. The application shall be properly executed by the applicant in black ink and shall be included in the documents submitted to the Missouri State Board of Nursing for evaluation with the required credentials. All original documents shall be returned to the applicant. Credentials in a foreign language shall be translated into English, the translation shall be signed by the translator and the signature shall be notarized by a notary public. The translation shall be attached to the credentials in a foreign language when submitted to the Missouri State Board of Nursing.

3. The required credentials for practical nurse applicants are—

A. A course-by-course evaluation report received directly from a foreign credentials evaluation service approved by the board;

B. A photostatic copy of birth certificate (if a copy of birth certificate is not available, copy of baptismal certificate, passport or notarized statement from an authorized agency will be accepted as verification of name, date of birth and place of birth);

C. Photostatic copy of marriage license/certificate (if applicable);

D. TOEFL certificate indicating successful completion of examination. Foreign practical nurse applicants from non-English speaking countries or from English speaking countries with different native language shall be required to take the TOEFL and

attain a minimum score of fifty (50) in each section of the paper-based examination OR a minimum score of sixteen (16) in the Computer-Based Listening, eighteen (18) in the Computer-Based Structure/Writing, and fifteen (15) in the Computer-Based Reading section of the Computer-Based Test of English as a Foreign Language (TOEFL) Examination. When the applicant achieves a passing score (as defined above) in each section of the test, the board of nursing will not address itself to that section should there be a required repeat of the examination for other sections;

E. Test of Spoken English (TSE®) Certificate indicating that the applicant has obtained a minimum overall score of forty-five (45);

F. The certificate of licensure form from the licensing agency where the original registration by examination was secured;

G. Photostatic copy of original license issued by the licensing agency where original licensure/registration was secured by examination; and

H. The completed application must be accompanied by one (1) two-inch by two-inch (2" × 2") portrait/photograph of the applicant, two (2) sets of his/her fingerprints, the fingerprinting fee as charged by the Missouri State Highway Patrol and Federal Bureau of Investigation and the required application fee. All fees are nonrefundable.

4. The required credentials for professional nurse applicants are—

A. Commission on Graduates of Foreign Nursing Schools (CGFNS) Certificate. The CGFNS agency must forward the certificate to our office. This certification must signify a passing grade on the CGFNS English language and nursing practice proficiency examination as evidence of meeting similar qualifications of graduates of nursing programs in Missouri for the purpose of qualifying for admission to the licensure examination.

B. A photostatic copy of birth certificate (if a copy of birth certificate is not available, a copy of baptismal certificate, passport or notarized statement from authorized agency will be accepted as verification of name, date of birth and place of birth);

C. Photostatic copy of original license or certificate issued by the licensing agency where original licensure/registration was secured by examination;

D. Photostatic copy of marriage license/certificate (if applicable);

E. The certificate of licensure form from the licensing agency where the original registration/licensure by examination was secured; and

F. The completed examination application with the required examination fee, one (1) two-inch by two-inch (2" × 2") portrait/photograph of the applicant, two (2) sets of his/her fingerprints, the fingerprinting fee as charged by the Missouri State Highway Patrol and Federal Bureau of Investigation and all the credentials shall be submitted to the Missouri State Board of Nursing.

(B) Unqualified Applicants. An applicant who does not meet Missouri's current minimum requirements for licensure shall be advised regarding the necessary steps for qualification.

(C) The board of nursing will cooperate with the United States Immigration Service by advising it of the status of the applicant for nursing licensure if requested.

#### //10// (9) Guidelines for Evaluating Intercountry Transcripts.

(A) An applicant who has secured original licensure outside of the United States and has been licensed by examination in another state, territory or Canada may be licensed in Missouri if the applicant qualifies for licensure by endorsement from that state, territory or Canada under section (4). Each applicant under this section must cause a photostatic copy of a nursing transcript to be provided to the board office, except that RN applicants instead may cause the CGFNS to submit directly to the board office a CGFNS certificate indicating successful completion of the CGFNS examination in place of the school of nursing transcript.

(B) Guidelines for evaluating intercountry transcripts for professional/practical nurse applicants are the minimum standards for accredited schools in Missouri in effect at the time the candidate originally became licensed by examination in another state, territory or Canada or at the time of application.

#### //11// (10) Licensure Renewal.

(A) Renewal periods shall be for one (1), two (2), or three (3) years as determined by the board.

(B) The required fee shall be submitted prior to the date the license lapses.

(C) In answer to requests for information regarding an individual's licensure, the staff of the board will verify status and other information as deemed appropriate by the executive director.

#### //12// (11) Inactive Licenses.

(A) Any nurse possessing a current license to practice nursing in Missouri may place that license on inactive status by filing a written and signed request for inactive status with the board. This request may be accomplished, but need not be, by signing the request for inactive status which appears on the nurse's application for license renewal and returning that application to the board prior to the date the license has lapsed.

(B) Individuals wishing to reactivate licenses after being carried as inactive shall request a Petition for Renewal from the Missouri State Board of Nursing. Fees shall be accepted only if accompanied by a completed Petition for Renewal. Back fees shall not be required for the years the licensee's records were carried as inactive. The Petition for Renewal shall show, under oath or affirmation of the nurse, a statement—

1. That the nurse is not presently practicing nursing in Missouri; and

2. As to whether the nurse did practice nursing while the license was inactive and, if so, how long and where. If the nurse was practicing nursing in Missouri at the time his/her license was inactive, s/he also must submit a notarized statement indicating that s/he ceased working as soon as s/he realized that the license was inactive. In addition, the nurse must cause his/her employer to submit a statement on the employer's letterhead stationery or a notarized statement indicating that the nurse ceased working as soon as s/he realized that the license was inactive.

(C) No person shall practice nursing or hold him/herself out as a nurse in Missouri while his/her license is inactive.

(D) A nurse who petitions for renewal of an inactive license who answers yes to one (1) or more of the questions on the petition which relate to possible grounds for denial of renewal under section 335.066, RSMo, shall submit copies of appropriate documents related to that answer, as requested by the board, before his/her petition will be considered complete. The copies shall be certified if they are records of a court or administrative government agency. If a nurse requesting reinstatement of his/her inactive license is denied by the State Board of Nursing based upon the fact that the nurse is subject to disciplinary action under any provisions of Chapter 335, RSMo, the nurse shall be notified of the statutory right to file a complaint with the Administrative Hearing Commission.

(E) A nurse whose license is inactive for three (3) years or more shall file the petition, documents and fees required in subsection //12// (B). In addition, the nurse may be required to appear before the board personally and demonstrate evidence of current nursing knowledge and may be required to successfully complete an oral or written examination, or both, provided by the board or to present proof of regular licensed nursing practice in other states during that time period.

#### //13// (12) Lapsed Licenses, When—Procedures for Reinstatement.



(A) Pursuant to sections 335.056 and 335.061, RSMo, a license issued by the State Board of Nursing to an RN or LPN is lapsed if the nurse fails to renew that license in a timely fashion. A license renewal is timely if the nurse mails a completed application for renewal, accompanied by the requisite fee, in a properly stamped and addressed envelope, postmarked no later than the expiration date of the nurse's current license. No person shall practice nursing or hold him/herself out as a nurse in Missouri while his/her license is registered with the State Board of Nursing as being lapsed.

(B) A nurse whose license has lapsed in Missouri for fewer than thirty (30) days may obtain renewal of that license by mailing the requisite fee to the proper address and postmarked no later than the thirtieth day of lapse. Satisfactory explanation of the lapse will be presumed. The State Board of Nursing, in its discretion, may not renew the license of any nurse who is subject to disciplinary action under Chapter 335, RSMo, but the board shall advise the nurse of the statutory right to file a complaint with the Administrative Hearing Commission.

(C) A nurse whose license has lapsed in Missouri for thirty (30) days or more, but fewer than three (3) years, must petition the State Board of Nursing for renewal of the license on a form furnished by the board. Accompanying the petition shall be a late renewal fee *[of thirty dollars (\$30)]* and the fee for the current renewal period as outlined in 4 CSR 200-4.010. If the nurse has practiced nursing in Missouri while the license was lapsed, in order to renew, the licensee must pay the lapsed fee, the renewal fee for each year s/he practiced nursing in Missouri and the fee for the current renewal period. This petition shall show under oath or affirmation of the nurse—

1. A statement that the nurse is not presently practicing nursing in Missouri;

2. A statement as to whether the nurse did practice nursing while the license was lapsed and, if so, how long and where; and

3. If the nurse was practicing nursing in Missouri at the time his/her license was lapsed, s/he must submit a notarized statement indicating that s/he ceased working as soon as s/he realized that the license was lapsed. In addition, the nurse must cause his/her employer to submit a statement on the employer's letterhead stationery or a notarized statement indicating that the nurse ceased working as soon as s/he realized that the license was lapsed.

(D) A nurse whose license is lapsed for three (3) years or more shall file the same petition, documents and fees required in subsection *[(13)(C)] (12)(C)*. In addition, the nurse may be required to appear before the board personally and demonstrate evidence of current nursing knowledge and may be required to successfully complete an examination provided by the board or by proof of regular licensed nursing practice in other states during that time period.

(E) Upon satisfactory completion of the requirements specified in subsections *[(13)(B)-(D)] (12)(B)-(D)* which are pertinent to that nurse, the board reserves the right to refuse to reinstate the lapsed license of any nurse, including one who is subject to disciplinary action under any provisions of Chapter 335, RSMo, which includes disciplinary action for practicing nursing without a license while that license is lapsed. A nurse who is petitioning for renewal of a lapsed license who answers yes to one (1) or more of the questions on the petition which relate to possible grounds for denial of renewal under section 335.066, RSMo, shall submit copies of appropriate documents, as requested by the board, related to that answer before his/her petition will be considered complete. The copies shall be certified if they are records of a court or administrative government agency. If a lapsed license is not reinstated, the board shall notify the nurse of the fact and the statutory right to file a complaint with the Administrative Hearing Commission.

(F) If any provision of this rule is declared invalid by a court or agency of competent jurisdiction, the balance of this rule shall remain in full force and effect, severable from the invalid portion.

*[(14)] (13)* Duplicate Licenses. A duplicate license, marked duplicate, may be issued in the event the original becomes lost or destroyed, or if the licensee requests a duplicate license due to a name change. The licensee must notify the Missouri State Board of Nursing and a form will be forwarded for completion and notarization. A fee will be charged for the duplicate.

*[(15)] (14)* Change of Name, Address, or Both.

(A) Original License. The original license may not be altered in any way; it must remain in the name under which it was issued.

(B) Current License.

1. If a change of name has occurred since the issuance of the current license, the licensee must notify the board of the name change in writing. If a duplicate license reflecting the name change is desired, the current license and required fee must be submitted to the board office.

2. If a change of address has occurred since the issuance of the current license, the licensee must notify the board of the address change. No duplicate license will be issued solely to reflect an address change. Each licensee must notify the board of any change in the licensee's mailing address prior to the expiration date of the licensee's current license.

3. Requests for the current license to be sent to a place other than the regular mailing address shall be forwarded to the executive director.

*AUTHORITY: sections 335.036(2) and (7), 335.046, and 335.051, RSMo [Supp. 1999] 2000. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Acting Executive Director, PO Box 656, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 200—State Board of Nursing Chapter 4—General Rules

#### PROPOSED AMENDMENT

**4 CSR 200-4.030 Public Complaint Handling and Disposition Procedure.** The board is proposing to amend section (2) and delete the form that immediately follows this rule in the *Code of State Regulations*.

*PURPOSE: This amendment corrects the board's physical address within the text of the rule.*

(2) Complaints should be mailed or delivered to the following address: Executive Director, Missouri State Board of Nursing, *[3523 North Ten Mile Drive] 3605 Missouri Boulevard,*

P[.JO/] Box 656, Jefferson City, MO 65102-0656. However, actual receipt of the written complaint by the board at its administrative offices in any manner shall be sufficient. A complaint may be made based upon personal knowledge or upon information and belief, reciting information received from other sources.

**AUTHORITY:** sections 4.16(6) of the Omnibus State Reorganization Act of 1974, Appendix B and 335.036, RSMo [1986] 2000. Original rule filed Feb. 10, 1982, effective May 13, 1982. Amended: Filed June 28, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Acting Executive Director, PO Box 656, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 205—Missouri Board of Occupational Therapy Chapter 1—General Rules**

#### **PROPOSED AMENDMENT**

**4 CSR 205-1.050 Fees.** The board is proposing to amend subsections (1)(A)–(1)(H), delete subsections (1)(L) and (1)(N), and reletter the remaining subsection accordingly.

**PURPOSE:** The Missouri Board of Occupational Therapy is statutorily obligated to enforce and administer the provisions of sections 324.050–324.086, RSMo. Pursuant to section 324.068, RSMo, the board shall by rule and regulation set the amount of fees so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 337, RSMo. Therefore, the board is reducing the fees associated with licensure. This amendment also deletes the research and copying fees pursuant to section 610.026, RSMo which states fees for copying records shall not exceed the actual cost of document search and duplication.

(1) The Division of Professional Registration establishes the following fees which are nonrefundable:

- (A) Application for Licensure as an Occupational Therapist Fee [/\$ 150.00/ \$90.00]
- (B) Application for Licensure as an Occupational Therapy Assistant Fee [/\$ 100.00/ \$60.00]
- (C) Application for Limited Permit Fee [/\$ 50.00/ \$30.00]
- (D) Biennial Occupational Therapist License Renewal Fee [/\$ 150.00/ \$90.00]
- (E) Biennial Occupational Therapy Assistant License Renewal Fee [/\$ 100.00/ \$60.00]
- (F) Late Renewal Penalty Fee [/\$ 50.00/ \$30.00]
- (G) Biennial Inactive Occupational Therapist License Renewal Fee [/\$ 30.00/ \$18.00]
- (H) Biennial Inactive Occupational Therapy Assistant License Renewal Fee [/\$ 25.00/ \$15.00]
- [(L) Photocopy Fee (per page) \$ 0.25]
- [(M)] (L) [Insufficient Funds] Return Check Fee [Charge] \$ 25.00

[(N) Research Fee (per hour not to exceed actual cost) \$10.00.]

**AUTHORITY:** sections 324.065, 324.068 and 324.074, RSMo [Supp. 1997 and 610.026, RSMo 1994] 2000. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 28, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment is estimated to save private entities approximately twenty-one thousand three hundred twenty dollars (\$21,320) annually. The board also estimates this proposed amendment will save private entities approximately one hundred fifty-seven thousand four hundred dollars (\$157,400) biennially with a continuous biennial cost savings of eighteen thousand four hundred eighty dollars (\$18,480) for the life of the rule. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Occupational Therapy, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division 205 - Missouri Board of Occupational Therapy**

**Chapter 1 - General Rules**

**Proposed Rule - 4 CSR 205-1.050 Fees**

Prepared May 3, 2002 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

**Annual Cost Savings**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated annual cost savings by affected entities:
230	Applicants (occupational therapist @ \$60)	\$13,800.00
78	Applicants (occupational therapy assistant @ \$40)	\$3,120.00
220	Application (limited permit holder @ \$20)	\$4,400.00
	<b>Estimated Annual Cost Savings for the Life of the Rule</b>	<b>\$21,320.00</b>

**Biennial Cost Savings**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost savings by affected entities:
2310	Licenseses - Renewal of License (occupational therapist @ \$60)	\$138,600.00 with an beinnial cost savings of \$18,480
360	Licenseses - Renewal of License (occupational therapy assistant @ \$40)	\$14,400.00
200	Licenseses - Renewal of License (Late Renewal (\$20)	\$4,000.00
43	Licenseses - Inactive Renewal Fee (occupational therapist @ \$12)	\$516.00
10	Licenseses - Inactive Renewal Fee (occupational therapy assistant @ \$10)	\$400.00
	<b>Estimated Biennial Cost Savings for the Life of the Rule</b>	<b>\$157,400.00 with an beinnial cost savings of \$18,480</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above figures were based on actual numbers in FY02 and projected numbers for FY03 and FY05.
2. Based on the estimates above, the board anticipates an annual cost savings of \$21,320.
3. The board is anticipating an increase of 308 licensees applying for renewal of licensure biennially. Therefore, the board estimates that the private entity cost to comply with this rule will be \$157,400 biennially with a continuous biennial cost savings of \$18,480 for the life of the rule.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 210-2.010 Application for Licensure.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE: This amendment deletes the forms that immediately follow this rule in the Code of State Regulations.*

*AUTHORITY: sections 336.040 and 336.160.1, RSMo [1994] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 210-2.011 Licensure by Reciprocity.** The board is proposing to delete subsection (1)(B) and renumber the remaining subsections accordingly.

*PURPOSE: This amendment eliminates the fingerprinting requirement for reciprocity applicants.*

(1) The board may issue a license to practice optometry by reciprocity and without examination to an individual licensed in another state which the board determines has licensing standards substantially equivalent to the standards in Missouri. The applicant shall provide the following documentation to the board:

*[(B)] Two (2) sets of fingerprints and the fingerprinting fee;*

*[(C)] (B) Proof that the applicant has successfully completed an optometry licensure examination in any state of the United States substantially equivalent to the licensure examination required in Missouri;*

*[(D)] (C) Proof that the applicant has been engaged in active clinical practice for at least three (3) years immediately preceding the application;*

*[(E)] (D) Proof that the applicant is registered or certified in the state from which s/he is applying for reciprocity to use diagnostic pharmaceutical agents and therapeutic pharmaceutical agents under the guidelines established in that state for registration and/or certification;*

*[(F)] (E) Certification from each state in which s/he is currently licensed verifying that the applicant is in good standing and has never had his/her license to practice in that state disciplined in any manner and that the applicant is not the subject of any pending complaints; and*

*[(G)] (F) Such additional information as the board may request to determine eligibility for licensure by reciprocity.*

*AUTHORITY: sections 336.090 and 336.160.1, RSMo [1994] 2000. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 210-2.020 Licensure by Examination.** The board is proposing to amend sections (3) and (4).

*PURPOSE: This amendment eliminates the fingerprinting requirement for new applicants and amends the name of the National Board of Examiners in Optometry examination.*

(3) All applicants must pay the application and licensing fees *[and must submit two (2) sets of fingerprints and the fingerprinting fee]*.

(4) All applicants for a certificate of registration shall pass all parts of the written examination administered by the National Board of Examiners in Optometry (NBEO) and shall pass the Clinical Skills and *[Visual Recognition and Interpretation of Clinical Signs/ Patient Assessment and Management (PAM)]* examination known as the Clinical Skills/*VRICS/ Patient Care* examination administered by the NBEO in July 1991 or later. Each applicant also shall pass an examination on Missouri Optometric law with a score of seventy-five percent (75%) or greater within one (1) year prior to licensure.

*AUTHORITY: sections 336.050, [and] 336.160.1, [RSMo 1994] and 336.220.1, RSMo [Supp. 1995] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 210-2.040 Public Complaint Handling and Disposition.** The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the form that immediately follows this rule in the *Code of State Regulations*.

*AUTHORITY:* [section 4.16(6), Omnibus State Reorganization Act of 1974, Appendix B and] sections 336.160.1 and 610.010.15(6), RSMo [1994] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded and readopted: Filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed Dec. 6, 1982, effective March 11, 1983. Amended: Filed Sept. 13, 1995, effective March 30, 1996. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 210-2.070 Fees.** The board is removing subsection (1)(K) and relettering the remaining subsections.

*PURPOSE:* This amendment eliminates the fingerprinting fee and deletes fees for researching and copying records pursuant to section 610.026, RSMo which states fees for copying records shall not exceed the actual cost of document search and duplication.

(1) The following fees are established by the State Board of Optometry:

[(K) Fingerprinting Fee \$ 37]

[(L)] (K) Pharmaceutical Certification Fee  
(for certification to use DPA and  
therapeutic pharmaceutical agents) \$ 75  
[(M)] (L) Uncollectible Fee (uncollectible check  
or other uncollectible financial instrument) \$ 25  
[(N)] (M) Law Book Requests Fee \$ 5\*\*\*  
[(O)] (N) Biennial Continuing Education Sponsor Fee \$ 25  
[(P)] (O) Continuing Education Penalty Fee (reporting  
continuing education hours obtained after the  
end of the reporting period) \$ 50./.]

*AUTHORITY:* section 336.160, RSMo Supp. 2001. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 210—State Board of Optometry  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 210-2.081 Examinations of Optometrists for Certification to Use Pharmaceutical Agents.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* sections 336.160.1, [RSMo 1994] and 336.220, RSMo [Supp. 1995] 2000. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed May 15, 1987, effective Sept. 11, 1987. Amended: Filed March 4, 1991, effective July 8, 1991. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992. Amended: Filed May 26, 1993, effective Nov. 8, 1993. Amended: Filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of

*this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 220-2.010 Pharmacy Standards of Operation.** The board is proposing to add a new section (9).

*PURPOSE: The purpose of this amendment is to establish minimum standards to verify the delivery of controlled substances to the ultimate user.*

**(9) When a pharmacy utilizes the United States mail or any other delivery service that is not owned and operated by the pharmacy to deliver controlled substance prescriptions to the ultimate user, the pharmacy must maintain a system for documentation of proof of receipt at the intended address and provide such information to board representatives when requested to do so.**

*AUTHORITY: sections 338.010, 338.140, 338.240 and 338.280, RSMo 2000. Original rule filed July 18, 1962, effective July 28, 1962. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities approximately \$1,421,647 annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## FISCAL NOTE PRIVATE ENTITY COST

### I. RULE NUMBER

Title 4 - Department of Economic Development

Division 220 – State Board of Pharmacy

Chapter 2 – General Rules

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 4 CSR 220-2.010 Pharmacy Standards of Operation

Prepared by the Missouri Board of Pharmacy on March 21, 2002.

### II. SUMMARY OF FISCAL IMPACT

<b>Estimate of the number of entities by class which would likely be affected by the adoption of the proposed amendment:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate annual cost:</b>
2	312,000 controlled substance prescriptions dispensed and mailed by mail order pharmacies @ \$1.75 per prescriptions	\$ 546,000
1,283	500,370 controlled substance prescriptions dispensed and mailed by Independent pharmacies @ \$1.75 per prescription	\$ 875,647
	<b>Estimated Annual Cost for the Life of the Rule</b>	<b>\$1,421,647</b>

### III. WORKSHEET

- Signature Confirmation of Delivery Priority Mail @ \$1.75

### IV. ASSUMPTIONS

- There are currently 1,298 licensed pharmacies in Missouri, two (2) of which are mail order pharmacies. It is estimated that 1% of the licensed pharmacies in Missouri will not dispense controlled substances ( $1\% \times 1,298 = 13$ ), leaving 1,285 pharmacies who dispense controlled substances.



- Two (2) of the 1285 pharmacies are mail order, leaving 1,283 pharmacies of other classifications who dispense controlled substances.
- Some independent/retail pharmacies in Missouri fill as little as 50 prescriptions per day, while others, such as mail order facilities, fill 6000 or more prescriptions per day. It is estimated that 10% of the total number of prescriptions filled per day in a pharmacy would be controlled substances. The majority of controlled substance prescriptions dispensed from retail pharmacies (excluding mail order) are delivered in person directly to the patient or the patient's caregiver. Mail order pharmacies deliver to the patient, via the use of the U.S. Mail, UPS, or other privately owned delivery services.
- It has been determined that the least expensive way obtain signature confirmation on the delivery of prescriptions is by priority mail of \$1.75.
- It is estimated that 1 pharmacist can fill 100 prescriptions per day. By dividing the number of licensed pharmacies (1298) by the number of licensed pharmacists (4,555), it calculates to approximately 2.9 pharmacists per licensed pharmacy (rounded to 3) multiplied by 100 prescriptions per day would equal 300 prescriptions per day per pharmacy. This would calculate to 78,000 prescriptions per pharmacy per year. It is estimated that 10% of these prescriptions would be controlled substances, i.e., 7,800 prescriptions. It is further estimated that .5% of this total would be delivered by mail or other delivery service. .5% of 7,800 = 390 prescriptions x \$1.75 signature confirmation fee equals \$682.50 per pharmacy x 1283 pharmacies equals \$875,647 annually.
- The board estimates that a mail order pharmacy who dispenses approximately 6,000 prescriptions per day for 5 days a week will dispense approximately 30,000 prescriptions per week resulting in 1,560,000 prescriptions being dispensed per year. It is estimated that 10% (156,000) of these prescriptions are for controlled substances, multiplied by \$1.75 per prescription for signature confirmation, will result in annual cost of \$273,000 per mail order pharmacy. Therefore, this amendment could cost 2 mail order pharmacies an estimated \$546,000 annually for the life of the rule. However, it is possible that some mail order pharmacies are already requiring signature confirmation of delivery and thus the costs reflected here will not be an additional cost to that pharmacy,
- The board does not have any accurate, reliable way to determine either the number of controlled substances dispensed per year, or the number of those controlled substance prescriptions, which are delivered by a U.S. Mail or a private delivery service. Therefore, the statistics used in this fiscal note are the board's best estimates.
- The annual cost to private entities is based on the number of controlled substance prescriptions dispensed and an assumption of delivery by the U.S. Mail for each pharmacy.
- The private entity cost for this proposed amendment is estimated to be approximately \$1,421, 647 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, it may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 220-2.025 Nonresident Pharmacies.** The board is proposing to delete section (4), renumber the remaining section accordingly, and delete the form that immediately follows this rule in the *Code of State Regulations*.

*PURPOSE: This amendment allows the board to take disciplinary action against a nonresident pharmacy, without the necessity to refer the action to the state in which the nonresident pharmacy is located.*

*[(4) Except in emergencies that constitute an immediate threat to the public health and require expedited action by the board, the Missouri Board of Pharmacy shall file a complaint when known or suspected violations are uncovered with the licensing board of the state in which the nonresident pharmacy is located. If the licensing board in the state in which the nonresident pharmacy is located initiates disciplinary action, the Missouri Board of Pharmacy may request the appropriate documents involved in the action for consideration of discipline against the pharmacy license of the nonresident pharmacy. If no action is taken against the nonresident pharmacy by the licensing board of the state in which it is located, the Missouri Board of Pharmacy may request copies of any investigation reports available from that state.]*

*[(5)] (4) The Missouri Board of Pharmacy will extend reciprocal cooperation to any state that licenses and regulates nonresident pharmacies for the purpose of investigating complaints against pharmacies located in Missouri or the sharing of information and investigative reports, as long as the other state will extend the same reciprocal cooperation to the Missouri Board of Pharmacy.*

*AUTHORITY: sections 338.140 [RSMo Supp. 1989] and 338.280, RSMo [1986] 2000 and 338.220, RSMo Supp. 2001. Original rule filed Jan. 16, 1990, effective May 11, 1990. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 220-2.030 Educational and Licensing Requirements.** The board is proposing to amend paragraphs (3)(A)3. and (3)(A)4.

*PURPOSE: This amendment removes the limitations established for concurrent and non-concurrent hours, providing that a student may earn up to forty (40) hours per week toward the one thousand five hundred (1,500) hours required for eligibility for examination.*

(3) Requirements for Practical Experience.

(A) Requirements for Training as a Pharmacy Intern.

1. Every person who desires to gain practical experience in Missouri toward licensure as a pharmacist must apply for a license as an intern pharmacist. An application for licensure shall be made on forms provided by the Missouri Board of Pharmacy and must be accompanied by the appropriate licensure fee.

2. An applicant for licensure as a pharmacy intern shall be currently enrolled in or graduated from a college that is approved by the Missouri Board of Pharmacy and that applicant may apply for licensure after the completion of thirty (30) hours of college course work in an approved school of pharmacy.

3. The minimum practical experience shall be fifteen hundred (1,500) hours of training to qualify to take the examination for licensure as a pharmacist. *[Not more than five hundred (500) hours' credit shall be given for experience obtained concurrent with school attendance; provided, the practical experience shall not exceed ten (10) hours in any one (1) week.]*

4. *[Credit shall be given during summer vacation and any academic break, the dates to be determined from the college affidavit signed by the dean or registrar.]* Not more than forty (40) hours' credit per week shall be given for experience obtained *[not concurrent with school attendance]*.

5. Practical experience may be gained within non-licensed programs, provided these programs have received prior approval by the board. The board shall approve the number of hours to be awarded to students within an approved non-licensed program on a case-by-case basis. The maximum number of hours that the board may approve for a program shall be set at one thousand (1,000) hours. The board shall make its determination concerning program approval and the number of hours to grant to an approved program through review of an application. The board may request additional information, interview program participants or complete site inspections before a decision on an application is made.

6. A maximum of seven hundred fifty (750) hours may be obtained in a structured externship program which is part of the college curriculum.

7. A maximum of seven hundred fifty (750) hours may be obtained in a Class I: Consultant pharmacy that is licensed by the board of pharmacy.

*AUTHORITY: sections 338.020, 338.035, 338.040, 338.070, 338.140 and 338.280, RSMo [Supp.] 2000 and 338.030, RSMo Supp. 2001. This version of rule filed July 18, 1962, effective July 28, 1962. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 220-2.050 Public Complaint Handling and Disposition Procedure.** The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

*PURPOSE: This amendment deletes the form that immediately follows this rule in the Code of State Regulations.*

*AUTHORITY: sections 338.140[,] and 338.280, RSMo 2000 and 620.010.15(6), RSMo [1994] Supp. 2001. Original rule filed Jan. 11, 1982, effective June 1, 1982. Amended: Filed Aug. 27, 1985, effective Nov. 11, 1985. Amended: Filed Aug. 29, 1986, effective Dec. 25, 1986. Amended: Filed Sept. 26, 1994, effective March 30, 1995. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 220-2.100 Continuing Pharmacy Education.** The board is proposing to amend paragraph (2)(C)2. and section (8).

*PURPOSE: This amendment shortens the submission time for the approval of continuing education programs and also provides an avenue of appeal to the applicant.*

(2) A continuing education program for pharmacists means post-graduate studies that have prior approval of the Missouri Board of Pharmacy to fulfill the requirements of continuing education for relicensure in Missouri. This may include institutes, seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, professional meetings, self-study courses and any other methods which may be approved by the board, but in any case, the studies must be pharmacy-related.

(C) Continuing pharmacy education programs shall be approved by one (1) of the following methods:

1. All continuing pharmacy education programs offered by providers approved by the American Council on Pharmaceutical Education will be accepted as meeting the requirements of continuing education for relicensure as a pharmacist in Missouri;

2. The Missouri Board of Pharmacy may approve continuing education programs offered by providers who are not approved by the American Council on Pharmaceutical Education. Criteria for approval of those programs shall be based on the criteria promulgated by the American Council on Pharmaceutical Education in its

publication "Accreditation Standards and Guidelines" section on Approval of Providers of Pharmaceutical Education, Pages III-1 through III-C. Application to the board for this approval must be made at least *[three (3) months/ thirty (30) days]* in advance of the program date to guarantee notification of certification status *[at least thirty (30) days]* prior to the date of the program. Applications received less than *[three (3) months/ thirty (30) days]* prior to the date of the program cannot be guaranteed to be certified prior to the date of the program. *[In any case, applications shall be received by the board two (2) months prior to the program date.]* Application to the board for this approval shall be made on and in accordance with forms established by the board. The forms shall require detailed information relating to administration and organization, budget and resources, teaching staff, educational content and development, methods of delivery, facilities and evaluation~~;/~~. **No applications for approval of continuing education programs will be accepted less than ten (10) business days from the date such program is offered for continuing education purposes. Applications returned due to errors or for purposes of requesting more information shall not be considered to be received by the office until the requested corrections or information are made and received by the board office. The executive director shall review applications for continuing education programs and may approve or deny such requests. Applicants shall be notified on a timely basis once the decision to approve or deny a program has been made. If an application was received by the board office sixty (60) days or more prior to the date it is scheduled to be offered and the program is denied, the applicant may request an appeal to further review the application by the continuing education committee. The request for appeal must be in writing. In no case shall an applicant be able to appeal a denial of an application if such application was initially received by the board office less than sixty (60) days prior to the date it is scheduled to be offered;**

3. Any pharmacist whose primary responsibility is not the education of health professionals who leads, instructs or lectures to groups of nurses, physicians, pharmacists or others on pharmacy-related topics in organized continuing education or in-service programs shall be granted continuing education credit for the time expended during actual presentation upon adequate documentation to the Missouri Board of Pharmacy. Application for approval shall be made in accordance with procedures in section (2) of this rule. Credit for the same presentation or program will be allowed only once during a renewal period;

4. Any pharmacist whose responsibility is the education of health professionals shall be granted continuing education credit only for time expended in leading, instructing or lecturing to groups of physicians, pharmacists, nurses or others on board-approved pharmacy-related topics in an organized continuing education or in-service program outside his/her formal responsibilities in a learning institution. Approval will be requested using procedures in section (2) and submitted to the Missouri Board of Pharmacy. Credit for the same presentation or program will be allowed only once during a renewal period;

5. Credit will be given for undergraduate or graduate studies in any regionally accredited pharmacy, medical or dental educational institution of higher learning. Satisfactory proof of course completion, as required by the board, must be submitted with the renewal notice. The following hourly equivalents will be used by the board in assessing credits:

3 hours college credit = 15 contact hours

2 hours college credit = 10 contact hours

1 hour college credit = 5 contact hours

6. One and one-half (1.5) continuing education unit (CEU) will be the equivalent of fifteen (15) clock hours of participation in programs approved by the Missouri Board of Pharmacy; and

7. Continuing education hours earned in another state will be accepted by the Missouri Board of Pharmacy provided the hours are acquired within the same renewal period and are certified by the other state board of pharmacy.

(8) The president of the board annually will select two (2) board members who will serve along with the executive director as the continuing education committee. The committee will review and decide on applications *[submitted for program approval]* **that have been denied approval and an appeal for further review has been submitted.** In addition, the committee will report on its activities and continuing education at board meetings and make recommendations to the board concerning continuing education requirements.

*AUTHORITY:* sections [338.043,] 338.060 and 338.140, RSMo [Supp. 1999] 2000. Original rule filed Nov. 9, 1984, effective April 11, 1985. Amended: Filed Nov. 21, 1997, effective June 30, 1998. Amended: Filed March 15, 2000, effective Sept. 30, 2000. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 250—Missouri Real Estate Commission Chapter 3—Applications for License; License Examinations**

#### **PROPOSED AMENDMENT**

**4 CSR 250-3.010 Applications for License.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* section 339.120, RSMo [Supp. 1993] 2000. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed June 15, 1990, effective Dec. 31, 1990. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 250—Missouri Real Estate Commission Chapter 4—Licenses**

#### **PROPOSED AMENDMENT**

**4 CSR 250-4.020 Expiration and Renewal; Name and Address Changes.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* section 339.120, RSMo [Supp. 1993] 2000. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 250—Missouri Real Estate Commission Chapter 4—Licenses**

#### **PROPOSED AMENDMENT**

**4 CSR 250-4.070 Partnership, Association or Corporation License.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* section 339.120, RSMo [Supp. 1993] 2000. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 4—Licenses**

**PROPOSED AMENDMENT**

**4 CSR 250-4.075 Professional Corporations.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* section 339.120, RSMo [Supp. 1993] 2000. Original rule filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 4—Licenses**

**PROPOSED AMENDMENT**

**4 CSR 250-4.080 Nonresident Licenses; Reciprocity; Process Agent.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* section 339.120, RSMo [Supp. 1993] 2000. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED AMENDMENT**

**4 CSR 250-7.020 Application for Accreditation.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* section 339.120, RSMo [Supp. 1993] 2000. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Oct. 26, 1987, effective July 1, 1988. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 8—Business Conduct and Practice**

**PROPOSED AMENDMENT**

**4 CSR 250-8.155 Closing a Real Estate Firm.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* section 339.120, RSMo [Supp. 1997] 2000. Original rule filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339,

*Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 8—Business Conduct and Practice**

**PROPOSED AMENDMENT**

**4 CSR 250-8.220 Escrow or Trust Account and a Separate Property Management Escrow Account Required.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE: This amendment deletes the forms that immediately follow this rule in the Code of State Regulations.*

*AUTHORITY: section 339.120, RSMo [Supp. 1993] 2000. Original rule filed June 14, 1988, effective Feb. 19, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 9—Disciplinary Proceedings**

**PROPOSED AMENDMENT**

**4 CSR 250-9.010 Complaints.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE: This amendment deletes the forms that immediately follow this rule in the Code of State Regulations.*

*AUTHORITY: sections 339.120, RSMo 2000 and 620.010.15(6), RSMo [Supp. 1993] Supp. 2001. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the*

*Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED AMENDMENT**

**4 CSR 250-10.010 Requirements.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE: This amendment deletes the forms that immediately follow this rule in the Code of State Regulations.*

*AUTHORITY: sections 339.040, [and] 339.045[, RSMo 1994] and 339.120, RSMo [Supp. 1997] 2000. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED AMENDMENT**

**4 CSR 250-10.020 Sponsors.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE: This amendment deletes the forms that immediately follow this rule in the Code of State Regulations.*

*AUTHORITY: sections 339.045, [RSMo 1986 and] 339.040 and 339.120, RSMo [Supp. 1993] 2000. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED AMENDMENT**

**4 CSR 250-10.030 Classroom Course Approval.** The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the form that immediately follows this rule in the *Code of State Regulations*.

*AUTHORITY:* sections 339.040 [and] 339.045], *RSMo 1994* and 339.120, *RSMo [Supp. 1997] 2000*. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 17, 1986, effective June 28, 1986. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED AMENDMENT**

**4 CSR 250-10.040 Classroom Course Instructor Approval.** The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the form that immediately follows this rule in the *Code of State Regulations*.

*AUTHORITY:* sections 339.040, [*RSMo 1986 and*] 339.045 and 339.120, *RSMo [Supp. 1993] 2000*. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed June 15, 1990, effective Dec. 31, 1990. Emergency amendment filed Oct. 5, 1992, effective Oct. 29, 1992, expired Feb. 25, 1993. Amended: Filed July 2, 1992, effective Feb. 26, 1993. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED AMENDMENT**

**4 CSR 250-10.070 Records.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* sections 339.040, [*RSMo 1986 and*] 339.045 and 339.120, *RSMo [Supp. 1993] 2000*. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 28, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 255—Missouri Board for Respiratory Care  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**4 CSR 255-2.010 Application for Licensure.** The board is proposing to delete the forms that immediately follow this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment deletes the forms that immediately follow this rule in the *Code of State Regulations*.

*AUTHORITY:* sections 334.800, 334.840.2 and 334.850(2), (4), (6), *RSMo 2000 and 334.870, RSMo Supp. 2001*. Emergency rule filed June 25, 1998, effective July 6, 1998, expired Feb. 25, 1999. Original rule filed June 25, 1998, effective Jan. 30, 1999.

*Amended: Filed Nov. 15, 2001, effective June 30, 2002. Amended: Filed June 28, 2002.*

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 255—Missouri Board for Respiratory Care Chapter 4—Continuing Education Requirements**

#### **PROPOSED AMENDMENT**

**4 CSR 255-4.010 Continuing Education Requirements.** The board is proposing to amend section (5).

**PURPOSE:** This amendment allows a licensee to appeal the denial of a continuing education course.

(5) If a group or individual wants to sponsor a continuing education program relating to respiratory care that is not approved by the AARC, a request shall be submitted to the board's executive director not fewer than *[sixty (60)] ten (10) business days* prior to the *[date of the] offering of the continuing education* program. Once all information pertaining to the request has been received in the board office, the board shall review the request and then notify the sponsor whether approval will be granted. The board will not consider requests for approval of any program submitted after it has already been presented.

**(C) Appeal Process.** If a course is denied or is accredited for less hours than were requested, the applicant may file an appeal, provided that the application was originally received sixty (60) days prior to the date of the program. The appeal must be in written form and must provide detailed justification to support the applicant's appeal. The chairperson for the board will review the appeal and all accompanying documentation. If the chairperson concurs with the original decision, the appeal is considered complete and the original decision will be upheld. If there is a difference between the members' decisions, the course will be reviewed by the full board at the next scheduled meeting.

**(D)** Courses received less than sixty (60) days prior to the program date will not be eligible for appeal.

**(E)** No more than twelve (12) hours will be awarded over a two (2)-year period for Advanced Cardiac Life Support (ACLS), Neonatal Advanced Life Support (NALS)/Neonatal Resuscitation Program (NRP), or Pediatric Advanced Life Support (PALS). No credit shall be awarded for Basic Cardiac Life Support (BCLS) or Cardiopulmonary Resuscitation (CPR). This exception will override AARC approval.

**AUTHORITY:** sections 334.800, 334.840.2, 334.850, 334.910 and 334.920, *RSMo 2000* and 334.880, *RSMo Supp. 2001*. Original rule filed June 25, 1998, effective Jan. 30, 1999. Amended: Filed Dec. 30, 1999, effective June 30, 2000. Amended: Filed June 2,

2000, effective Dec. 30, 2000. Rescinded and readopted: Filed Jan. 31, 2001, effective Aug. 30, 2001. Amended: Filed June 28, 2002.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Respiratory Care, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 270—Missouri Veterinary Medical Board Chapter 2—Licensure Requirements for Veterinarians**

#### **PROPOSED AMENDMENT**

**4 CSR 270-2.021 Internship or Veterinary Candidacy Program.** The board is proposing to amend sections (1) and (5).

**PURPOSE:** The purpose of this amendment is to further define the veterinary candidacy program. This rule describes the postgraduate internship program required for licensure as a veterinarian.

(1) All applicants for licensure by examination shall complete a two (2)-month postgraduate internship or veterinary candidacy program under the supervision of a licensed veterinarian in good standing **or demonstrate the practice of veterinary medicine without encumbrance in another state or jurisdiction at least twelve (12) months prior to application for licensure in Missouri.** To be in good standing the veterinarian's license(s) must be current and unencumbered. The postgraduate internship or veterinary candidacy program may be completed in any state, territory or district of the United States or Canada.

(5) Completion of a student preceptor program which is recognized and approved by the board prior to graduation may be substituted for the internship or veterinary candidacy program. The board shall have the sole discretion as to whether or not the preceptor program will qualify in lieu of the internship or veterinary candidacy program. This program shall be defined by the curriculum of the veterinary school or university and must include a minimum of two (2) months during which time the student has at least three hundred twenty (320) hours of work experience in the following areas: diagnosis, treatment, surgery and practice management. The student preceptor program may not begin before the start of the student's third year and must be completed prior to the date of graduation **or demonstration that the applicant has practiced in another state or jurisdiction for the preceding twelve (12) months prior to application for licensure in Missouri and that the applicant's license(s) in another state or jurisdiction has never been the subject of any disciplinary action.**

**AUTHORITY:** sections 340.200, 340.210 and 340.246, *RSMo 2000*. Original rule filed Nov. 4, 1992, effective June 1, 1994. Amended: Filed July 23, 1993, effective March 10, 1994. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed June 28, 2002.



**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 270—Missouri Veterinary Medical Board  
Chapter 6—Professional Conduct for the Practice of  
Veterinary Medicine**

**PROPOSED AMENDMENT**

**4 CSR 270-6.011 Rules of Professional Conduct.** The board is proposing to amend section (11).

**PURPOSE:** *This amendment establishes a professional code of conduct for veterinarians and veterinary technicians who may observe cases of animal abuse or neglect.*

(11) Licensees shall not reveal confidential, proprietary or privileged facts or data or any other sensitive information contained in a patient's medical records or as otherwise obtained in a professional capacity without the prior consent of the client except as otherwise authorized or required by Chapter 340, RSMo, lawful rules as promulgated by the board, court order or any other state or federal law, or regulation. **However, this section shall not apply to cases in which the veterinarian may observe animal abuse or neglect. The board recognizes that veterinarians may observe cases of animal abuse or neglect as defined by federal or state laws, or local ordinances. When these situations cannot be resolved through education, the board considers it the responsibility of the veterinarian to report such cases to the appropriate authorities. Disclosures may be necessary to protect the health and welfare of animals and people. Veterinarians should be aware that accurate record keeping and documentation of these cases are invaluable.**

**AUTHORITY:** *section 340.210, RSMo [Supp. 1993] 2000. Original rule filed Nov. 4, 1992, effective July 8, 1993. Amended: Filed April 14, 1994, effective Sept. 30, 1994. Amended: Filed June 28, 2002.*

**PUBLIC COST:** *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Veterinary Medical Board, Attention: Executive Director, PO Box 633, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of*

*this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 10—Adjutant General  
Chapter 5—Missouri World War II Veterans'  
Recognition Program**

**PROPOSED AMENDMENT**

**11 CSR 10-5.010 Missouri World War II Veterans' Recognition Program.** The division is amending sections (1), (4), (6) and (8).

**PURPOSE:** *This amendment extends the period for applying for World War II recognition awards and also amends the criteria for who can apply for awards.*

(1) Definitions as used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(I) Eligible World War II veteran—Any person defined as a veteran by the United States Department of Veterans Affairs, who honorably served on active duty in the United States military service at anytime beginning December 7, 1941 and ending *[September 30, 1945] December 31, 1946* provided 1) that such veteran was a legal resident of the state of Missouri on August 28, 2000 *[and] or was a legal resident of this state at the time of his or her death* 2) such veteran was honorably separated or discharged from military service or is still in active service in honorable status, **or was legal resident of this state at the time of his or her death;**

(R) Spouse—Married person, i.e.: husband, wife;

*[(R)](S)* Veteran—Any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency;

*[(S)](T)* Veterans Commission—The commission created by section 42.007, RSMo;

*[(T)](U)* World War II—The World War beginning December 7, 1941, and ending *[September 30, 1945] December 31, 1946;*

*[(U)](V)* World War II Veterans' Recognition Award Fund—As defined in section 42.195, RSMo, consisting of gifts, bequests, and donations to be administered by the Adjutant General.

(4) To be eligible for the World War II Veterans' Recognition Awards, the veteran must:

(A) Have served on active duty in the United States military service at anytime beginning December 7, 1941, and ending *[September 30, 1945] December 31, 1946;*

(B) Be a legal resident of Missouri on August 28, 2000 **or was a legal resident of this state at the time of his or her death;** *[and]*

(C) Be honorably separated or discharged from military service or be currently in active service in an honorable status*./;* **or**

**(D) Any spouse of a veteran, who is entitled to a World War II recognition award under this rule but who died prior to having made application for the award, may apply.**

(6) World War II and "D-Day" Invasion of Europe veterans, to obtain authorized medals, medallions, and certificates, must complete an application form and provide copies of appropriate World War II service record verification forms to the Office of the Adjutant General, Attention: Director, WWII Veteran Recognition Program, 2303 Militia Drive, Jefferson City, MO 65101-1203. Applications must be submitted anytime after January 1, 2001, and before *[January 1, 2002] July 1, 2003*. Applications and service forms will not be returned and will become property of the state of Missouri.

(8) If any person dies after applying for a medallion *[or]*, medal and a certificate pursuant to sections 42.170 to 42.190, RSMo, and such person would have been entitled to the medallion, medal, and the certificate, the Adjutant General shall *[give]* **award** the medallion, medal, and the certificate *[to]* **in the following order:**

**(A) To the spouse of the deceased veteran; or**

**(B) The** person to whom the largest portion of the veteran's estate was given in such veteran's will~~./~~; **or**

**(C)** If the estate was split evenly among two (2) or more persons, *[the surviving spouse,]* the eldest living child or the closest relative by degree of consanguinity, in that order, shall receive the medallion, medal, and the certificate~~./~~; **or**

**(D)** If there is no will, the veteran's intestate survivor shall receive the medallion, medal, and the certificate.

*AUTHORITY: section 42.175, RSMo 2000. Original rule filed Sept. 14, 2000, effective March 30, 2001. Emergency amendment filed July 22, 2002, effective Aug. 1, 2002, expires Feb. 27, 2003. Amended: Filed July 22, 2002.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions \$2,450,000 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with LTC Dennis Cruts, Office of the Adjutant General, NGMO-SX, 2302 Militia Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

Rule Number and Name:	11 CSR 10-5.010/W.W. II Veterans Rec. Pr
Type of Rulemaking:	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
DPS/Office of the Adjutant General	\$2,400,000
DPS/Veterans Commission	50,000
From VET CI Trust Fund/HB 1121	\$2,450,000 Total

**III. WORKSHEET**

All expenditures are estimates, actual costs will vary due to the number of applications received and ceremonies requested. Expense and equipment operating expenses for contract labor, awards, materials, public awareness, miscellaneous expenses \$2,450,000.

**IV. ASSUMPTIONS**

Approximately 435,000 Missourians served in W.W.II. New legislation House Bill 1398 & 1399 authorizes veterans and surviving spouses to apply for the W.W. II recognition awards on behalf of deceased veterans through 1 July 2003.

Veterans Administration statistics assume that there are 200,000 surviving spouses of W.W. II veterans who are eligible for awards. The Office of the Adjutant General is unable to determine the actual number that will apply for these awards or the number of veterans who missed the original award period and will now apply under the extended program. As a result, we estimate that as many as 100,000 new applications may be received. Costs established in this fiscal note is based on this assumption.

Projected expenditures support cost of awards, contract personnel for processing and coordinating ceremonies, public awareness activities, printing, records management, communications, facilities, and other miscellaneous program operation expenses.

The legislature for FY 2003 in House Bill 1121, section 130 reappropriated \$2,510,033 from the Veterans CI trust fund to support public expenditures for this program. Additional FY 03 funding is not anticipated to be required to support this program.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Drivers License Bureau Rules**

**PROPOSED AMENDMENT**

**12 CSR 10-24.430 Back of Driver License, Permits and Non-driver License.** The director proposes to amend the title, section (1) and add a section (2).

*PURPOSE:* This proposed amendment indicates what information is in the two-dimensional bar code on the back of the license document(s).

(1) The attached information, [incorporated by reference, is] **included herein, may be printed** on the back of a person's driver license [to be used for], **permit or non-driver license. It includes endorsements, restrictions, two-dimensional bar code, and areas for indicating whether the person has taken a skills test, for designating anatomical gifts, and for designating the name and address of the [person designated as the] licensee's attorney-in-fact for the purposes of a durable power of attorney for health care decisions.**

(2) The following information will be contained in the two-dimensional bar code on the back of a person's license document(s):

- (A) Driver license number;
- (B) License expiration date;
- (C) License classification;
- (D) Driver name (as it appears on the face of the license);
- (E) Date of birth;
- (F) Residence address (which includes street, city, state and zip code);
- (G) County of residence;
- (H) Sex;
- (I) Height;
- (J) Weight;
- (K) Eye color;
- (L) Restrictions;
- (M) Endorsements;
- (N) License issue date;
- (O) Sequential control number; and
- (P) State of Missouri identifier.

I HEREBY MAKE AN ANATOMICAL GIFT UPON MY DEATH.			
<input type="checkbox"/> Any Organ <input type="checkbox"/> Specifically:			
Signature of Donor		Date	
1st Witness	2nd Witness	Medical Alert	Blood Type
Licensee's Attorney in Fact for Health Care Decisions			
Name			
Address		City	State    Zip Code

*AUTHORITY:* section 302.181, RSMo [Supp. 1998] 2000. Original rule filed Sept. 15, 1995, effective March 30, 1996. Amended: Filed Aug. 26, 1999, effective Feb. 29, 2000. Amended: Filed June 20, 2002.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 16—RETIREMENT SYSTEMS  
Division 10—The Public School Retirement  
System of Missouri  
Chapter 5—Retirement, Options and Benefits**

**PROPOSED RULE**

**16 CSR 10-5.080 Recognition of Credit**

*PURPOSE:* This rule implements the provisions of section 169.569, RSMo, allowing credit from each system named in section 169.569, RSMo, to be combined for the purpose of determining eligibility for retirement from each system.

(1) The provisions of this rule are to be used solely for the purpose of implementing section 169.569, RSMo, (hereinafter, all chapter and section citations are to the *Revised Statutes of Missouri* unless otherwise indicated).

(2) "System" or "systems" shall mean one (1) or more of the retirement systems created by Chapter 169 and named in section 169.569.1.

(3) The provisions of section 169.569 and this rule shall apply only to individuals with an effective retirement date after June 30, 2003.

(4) An individual may combine service credit from each of the systems with which the individual has at least five (5) years of creditable service to determine eligibility for normal or early retirement with each of the respective systems. Service credit from a system with which the individual has less than five (5) years of service may not be combined with any other service credit under this rule. Service credit may not be combined for any other purpose. Only service credit that is certified by the relevant system may be combined pursuant to this rule. An individual may not combine credit with other credit that is based on the same period of employment.

(5) Prior to receiving a retirement benefit from a system, an individual must comply with all of that system's requirements related thereto. An individual is not required to terminate employment with employers covered by systems from which the individual is not yet receiving a retirement benefit.

(6) Each system will use its own retirement application. All systems will use a uniform Reciprocity Election form.

(7) Each system from which the individual is eligible to retire after combining service credit pursuant to this rule shall pay its own retirement benefit and shall determine the benefit it is to pay to the

individual based only on the service credit the individual has with that system. Each system paying a retirement benefit shall calculate its own final average salary based upon an individual's salaries on record with that retirement system. Each system paying a retirement benefit shall determine the retirement benefit based on its own applicable statutory provisions.

(8) An individual shall be subject to the working after retirement limitations for each system from which he or she is receiving a retirement benefit. The benefit paid by a system shall be discontinued only if the individual exceeds the working after retirement limitations, if any, of that system due to employment with an employer covered by that system. In the event of a discontinuance of benefits from one (1) system, the individual may continue to receive a retirement benefit from any system for which he or she has not exceeded that system's working after retirement limitations.

(9) Service credit may be combined pursuant to this rule only for the purpose of service retirement eligibility and shall not be combined to determine eligibility for any other benefit payable by any system, including, but not limited to disability, surviving spouse and/or children benefits or minimum benefits.

(10) Notwithstanding the provisions of section (9), if, at the time of death, an individual could have elected to retire by combining credit under this rule, the beneficiary of such member may combine credit under this rule to qualify for benefits pursuant to sections 169.070.3(2)(a), 169.326.3, 169.460.14, or 169.670.4(2)(a).

*AUTHORITY: sections 169.020, RSMo 2000 and 169.569, RSMo Supp. 2001. Original rule filed July 23, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 16—RETIREMENT SYSTEMS**  
**Division 10—The Public School Retirement**  
**System of Missouri**  
**Chapter 6—The Non-Teacher School Employee**  
**Retirement System of Missouri**

**PROPOSED RULE**

**16 CSR 10-6.065 Recognition of Credit**

*PURPOSE: This rule implements the provisions of section 169.569, RSMo, allowing credit from each system named in section 169.569, RSMo, to be combined for the purpose of determining eligibility for retirement from each system.*

(1) The provisions of this rule are to be used solely for the purpose of implementing section 169.569, RSMo, (hereinafter, all chapter and section citations are to the Revised Statutes of Missouri unless otherwise indicated).

(2) "System" or "systems" shall mean one (1) or more of the retirement systems created by Chapter 169 and named in section 169.569.1.

(3) The provisions of section 169.569 and this rule shall apply only to individuals with an effective retirement date after June 30, 2003.

(4) An individual may combine service credit from each of the systems with which the individual has at least five (5) years of creditable service to determine eligibility for normal or early retirement with each of the respective systems. Service credit from a system with which the individual has less than five (5) years of service may not be combined with any other service credit under this rule. Service credit may not be combined for any other purpose. Only service credit that is certified by the relevant system may be combined pursuant to this rule. An individual may not combine credit with other credit that is based on the same period of employment.

(5) Prior to receiving a retirement benefit from a system, an individual must comply with all of that system's requirements related thereto. An individual is not required to terminate employment with employers covered by systems from which the individual is not yet receiving a retirement benefit.

(6) Each system will use its own retirement application. All systems will use a uniform Reciprocity Election form.

(7) Each system from which the individual is eligible to retire after combining service credit pursuant to this rule shall pay its own retirement benefit and shall determine the benefit it is to pay to the individual based only on the service credit the individual has with that system. Each system paying a retirement benefit shall calculate its own final average salary based upon an individual's salaries on record with that retirement system. Each system paying a retirement benefit shall determine the retirement benefit based on its own applicable statutory provisions.

(8) An individual shall be subject to the working after retirement limitations for each system from which he or she is receiving a retirement benefit. The benefit paid by a system shall be discontinued only if the individual exceeds the working after retirement limitations, if any, of that system due to employment with an employer covered by that system. In the event of a discontinuance of benefits from one (1) system, the individual may continue to receive a retirement benefit from any system for which he or she has not exceeded that system's working after retirement limitations.

(9) Service credit may be combined pursuant to this rule only for the purpose of service retirement eligibility and shall not be combined to determine eligibility for any other benefit payable by any system, including, but not limited to disability, surviving spouse and/or children benefits or minimum benefits.

(10) Notwithstanding the provisions of section (9), if, at the time of death, an individual could have elected to retire by combining credit under this rule, the beneficiary of such member may combine credit under this rule to qualify for benefits pursuant to sections 169.070.3(2)(a), 169.326.3, 169.460.14, or 169.670.4(2)(a).

*AUTHORITY: sections 169.610, RSMo 2000 and 169.569, RSMo Supp. 2001. Original rule filed June 28, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Alcohol and Drug Abuse Programs**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the directors amends a rule as follows:

**9 CSR 30-3.032 Certification of Alcohol and Drug Abuse Programs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2002 (27 MoReg 620). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Alcohol and Drug Abuse Programs**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the directors amends a rule as follows:

**9 CSR 30-3.132 Opioid Treatment Program is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2002 (27 MoReg 620–621). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Alcohol and Drug Abuse Programs**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Mental Health under sections 577.001 and 630.050, RSMo 2000, the director amends a rule as follows:

**9 CSR 30-3.206 SATOP Program Structure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2002 (27 MoReg 621–622). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 45—Division of Mental Retardation and  
Developmental Disabilities  
Chapter 3—Care and Habilitation**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Mental Health under section 630.050, RSMo 2000, the director rescinds a rule as follows:

**9 CSR 45-3.050 Admission and Treatment of Clients with Aggressive Behaviors is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2002 (27 MoReg 622). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 20—Clean Water Commission  
Chapter 7—Water Quality**

**ORDER OR RULEMAKING**

By the authority vested in the Missouri Clean Water Commission under section 644.026, RSMo 2000, the commission withdraws a proposed rule as follows:

**10 CSR 20-7.040 Comprehensive Risk-Based Groundwater Remediation Rule is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2002 (27 MoReg 235-246). This proposed rule is withdrawn.

**SUMMARY OF COMMENTS:** The major comments or concerns presented at the statewide meetings, during the public hearing before the commission and in written comments include the following:

The concept of the urban groundwater management zone appears to be useful, although there are many concerns about how the zones would be established, such as criteria that are used to define the zone, the amount of characterization to be conducted for the zone, and the timing of the characterization, assessment and other work related to the zone.

Urban groundwater management zones can address a major redevelopment issue and protect human health and the environment, although many did not feel the present form of the rule would facilitate that redevelopment.

Additional contamination that may occur in a zone.

The use of tiered approaches with look-up tables such as in other guidance, or using another state's program as a model.

Whether the current statute provides sufficient authority, boundaries and direction for the rule.

**RESPONSE:** The main reaction to the proposed rule is the draft is a good start, but that it still needs considerable work to result in a productive procedure. Given the apparent need to make substantial changes to the proposed rule, the department will not recommend that the commission proceed to adopt the rule at this time. At this point the department would like to take advantage of the offers from outside parties to meet and revise the draft. Many of those who offered comments also offered to assist in further discussions and development of a revised rule. The commission is withdrawing this proposed rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2002 (27 MoReg 565-567). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Gaming Commission (MGC) received one (1) letter of comment on proposed rule 11 CSR 45-5.070, Payout Percentage of Electronic Gaming Devices. Additionally, a public hearing was held at which individuals/groups were provided the opportunity to express their agreement with or concern about the proposed amendment as written. No one appeared at the hearing.

**COMMENT:** Mr. Vern Jennings, Senior Vice President and General Manager of Harrah's Maryland Heights and president of the Missouri Riverboat Gaming Association (MRGA), submitted the following written comments on behalf of the gaming industry:

The industry understands MGC's intention with this proposed amendment is to standardize and ensure consistency in the posting of slot payback percentages as currently required by 11 CSR 45-5.070. The posting of payout percentages by denomination for each of the prior three months, however, combined with the volatility of overall payout percentages month to month, would be very confusing and misleading to customers and would likely generate complaints and inquiries to the MGC itself. The industry proposes a simple way to resolve MGC's concerns. We (MRGA) propose that we post the "actual aggregate payout percentage" instead of the theoretical. This percentage is consistently determined among the casino operators and is already provided to the MGC on a monthly basis. The casinos would post this percentage at the casino entry and at the front of the main cashier cage by the tenth of the month.

**RESPONSE AND EXPLANATION OF CHANGE:** The MGC agrees the proposed amendment, which could require the posting of as many as 30 or more percentages, could confuse patrons and generate unnecessary inquiries and complaints. Therefore, after consideration of the comments, the commission will amend the rule.

**11 CSR 45-5.070 Payout Percentage for Electronic Gaming Devices**

(1) A holder of a Class A license shall by the tenth day of each calendar month display at the patron entrance to the gaming floor and on the front of the main cashier cage the actual aggregate payout percentage to the nearest one-tenth percent (0.1%) of all the electronic gaming devices in operation during the previous month. The commission may require that Class A licensees display with the actual aggregate payout percentage a reference to the commission Internet website where additional information will be made available on payout percentages by denomination.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805, and 313.807, RSMo 2000, the commission amends a rule as follows:

**11 CSR 45-5.075 Payout Percentage for Progressive Table Games is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2002 (27 MoReg 568). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 9—Internal Control System**

**ORDER OF RULEMAKING**



By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-9.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2002 (27 MoReg 568-570). No changes have been made in the text of the proposed amendment, however the incorporated Appendix has replaced Section D. 74. and 75., and is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One letter was received.

COMMENT: Vern Jennings, General Manager, Harrah's Maryland Heights, LLC, representing the Missouri Riverboat Gaming Association (MRGA), responded during the comment period by letter. He requested clarification concerning allowing a pit manager to have restroom breaks or time to respond to emergency situations.

RESPONSE AND EXPLANATION OF CHANGE: The third paragraph of MICS 74 was amended by adding the requirement that pit managers must be physically present in the pits for at least 90% of their shift. A sentence was also added to clarify that longer absences would require a replacement pit manager.

COMMENT: Vern Jennings, General Manager, Harrah's Maryland Heights, LLC, representing the Missouri Riverboat Gaming Association (MRGA), responded during the comment period by letter. He requested clarification about the term "pit area" in MICS 75.

RESPONSE AND EXPLANATION OF CHANGE: In response to the comment from Mr. Jennings, two sentences were added to the beginning of MICS 75, defining "pit," and clarifying that multiple locations within a single casino could be considered as one pit.

#### **11 CSR 45-9.030 Minimum Internal Control Standards**

##### **Section D**

**MINIMUM INTERNAL CONTROL STANDARDS  
SECTION D - LIVE GAMES (TABLE GAMES)**

**Required Personnel**

74. At least one table games supervisor shall be on duty in the pit providing direct supervision of each four open gaming tables if any one of the tables being supervised is a craps table. At least one table games supervisor shall be on duty in the pit providing direct supervision of each six open gaming tables provided none of those six in operation is a craps table.

In addition to table games supervisors, oversight of table games, table games supervisors, and pit operations will be directly supervised according to the following chart.

Tables Open	Table Games Managers	Casino Shift Manager acting as a part-time Table Games Manager
1 craps table	0	1
1-6 total tables	0	1
2 or more craps tables	1	Not Allowed
7-36 total tables	1	Not Allowed
Each additional 1-36 tables	1 additional	Not Allowed

Other than a casino shift manager acting as a table games manager, table games managers shall be physically present in the pit(s) for at least ninety per cent (90%) of their shift and be solely dedicated to supervising activities at open table games and activities within the pit(s). Absences of a longer duration will require a replacement pit manager be on duty in the pit(s). If a licensee uses job titles other than "table games supervisor" and/or "table games manager," the internal controls will specify which job titles used by the licensee correspond to these positions and ensure the job descriptions of those positions properly delineate the duties. Table games managers supervising pit areas separated by sight or sound shall have a communications device enabling them to be immediately notified of any incident requiring their attention and shall promptly respond when notified. The casino shift manager will assign table games managers specific responsibilities regarding activities associated with specific tables.

75. A "Pit" is defined as the immediate area(s) within a casino where one or more table games are open for play. Pit areas may be on multiple levels or locations within a casino. Pit area(s) shall be described by the Class A licensee in their internal controls at a minimum by their location(s), configuration(s), and restrictions on access.

**Forms Corrections**

76. Corrections on table fill/credit, opener and closer documentation shall be made by crossing out the error, entering the correct figure, and then obtaining the initials of at least

*Note: Sections 313.800 through 313.850, RSMo., et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 30—Bingo**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.065, RSMo 2000, the commission adopts a rule as follows:

11 CSR 45-30.025 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 1, 2002 (27 MoReg 571). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed rule was held on May 7, 2002, and the public comment period ended May 1, 2002. At the public hearing the Missouri Gaming Commission explained the proposed rule and four (4) comments were received on the proposed rule.

**COMMENT:** Mr. Robert Harris (Bingo Chairman), Doniphan VFW Post 3485, Doniphan, MO, agrees with the proposed rule. He believes that 'free no charge' bingo will be good for bingo.

**RESPONSE:** No changes have been made to the rule as a result of this comment.

**COMMENT:** Mr. Dale Robertson, American Games, Inc., agrees with the proposed rule. He believes this would allow bingo halls to competitively compete with other gaming.

**RESPONSE:** No changes have been made to the rule as a result of this comment.

**COMMENT:** The American Legion Post 117, Braymer, MO responded that they are opposed to the proposed rule. Their comment is that they cannot see that the proposal would benefit them in any way.

**RESPONSE:** No changes have been made to the rule as a result of this comment.

**COMMENT:** Mr. Melvin Eickhoff (Bingo Chairman), American Legion Post 338, Overland, MO is opposed to the proposed rule. He states that their organization currently offers free bingo paper to players the week of their birthday. The rule would not allow them to do this any longer. Recently, the organization has introduced various promotional programs in conjunction with bingo. This rule change would be another setback to their operation and they believe it would be detrimental to all small and struggling bingo operations across the state.

**RESPONSE AND EXPLANATION OF CHANGE:** The Missouri Gaming Commission's Bingo Division has considered this comment and decided to make a change in the proposed rule to section (1).

**11 CSR 45-30.025 Bingo Promotions**

(1) Bingo promotions are defined as free drawings, free merchandise, or any type of free games (other than free pull-tabs, free bingo paper, birthday packs, free daubers, or other free bingo paraphernalia) offered in conjunction with a bingo event in which a cash, merchandise, or other item of value is awarded.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT****Division 100—Division of Credit Unions****APPLICATIONS FOR NEW GROUPS  
OR GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
First Community Credit Union 15715 Manchester Road Ellisville, MO 63011	Individuals who reside or work in the counties of Lincoln, Warren, Franklin, Washington, St. Francois, Ste. Genevieve, Pike, Montgomery, Gasconade and Crawford in the state of Missouri and the City of St. Louis.
Wireco Credit Union 905 N 3 <sup>rd</sup> Street St. Joseph, MO 64501	Anyone who lives or works in Buchanan County and their family members.
Mizzou Credit Union 111 East Broadway Columbia, MO 65205	Individuals who live or work in Cole County.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the Missouri Register.*

**Title 17—BOARDS OF POLICE COMMISSIONERS****Division 10—Kansas City Board of Police  
Commissioners****Chapter 2—Private Security****STATEMENT OF ACTUAL COST****17 CSR 10-2.010 Regulation and Licensing In General**

The public fiscal note published for this rule in the *Missouri Register* on February 15, 2000 (25 MoReg 393-399) was estimated to cost certain public entities and political subdivisions six thousand one hundred sixty-five dollars (\$6,165) during the Fiscal Year 2001. For that period, the actual cost of the rule to those state agencies and political subdivisions was nine thousand four hundred twenty dollars (\$9,420).

**Title 17—BOARDS OF POLICE COMMISSIONERS****Division 10—Kansas City Board of Police  
Commissioners****Chapter 2—Private Security****STATEMENT OF ACTUAL COST****17 CSR 10-2.040 Application Forms and Licensing Fees**

The public fiscal note published for this rule in the *Missouri Register* on February 15, 2000 (25 MoReg 405-412) was estimated to cost certain public entities and political subdivisions six thousand one hundred sixty-five dollars (\$6,165) during the Fiscal Year 2001. For that period, the actual cost of the rule to those state agencies and political subdivisions was nine thousand four hundred twenty dollars (\$9,420).

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES****Division 60—Missouri Health Facilities****Review Committee****Chapter 50—Certificate of Need Program****EXPEDITED APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for August 23, 2002. These applications are available for public inspection at the address shown below:

**Date Filed****Project Number:** Project Name

City (County)

Cost, Description

**06/20/02**

**#3212 RS:** The Colonial Home  
Doniphan (Ripley County)  
\$105,910, Replace 4 residential care  
facility (RCF) I beds with 4 RCF II beds

**07/10/02**

**#3291 HS:** Heartland Regional Medical Center  
St. Joseph (Buchanan County)  
\$2,500,000, Replace magnetic resonance imager

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by August 12, 2002. All written requests and comments should be sent to:

Chairman

Missouri Health Facilities Review Committee

c/o Certificate of Need Program

915 G Leslie Boulevard

Jefferson City, MO 65101

For additional information contact

Donna Schuessler, 573-751-6403.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES****Division 60—Missouri Health Facilities****Review Committee****Chapter 50—Certificate of Need Program****APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the September 23, 2002, Certificate of Need meeting.

These applications are available for public inspection at the address shown below:

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**07/12/02**

**#3292 HS:** Boone Hospital Center  
Columbia (Boone County)  
\$1,855,555, Add magnetic resonance imaging unit

**#3293 HS:** Missouri Baptist Cancer Center  
St. Louis (St. Louis County)  
\$3,283,496, Replace linear accelerator

**#3294 HS:** Missouri Baptist Cancer Center  
St. Louis (St. Louis County)  
\$1,685,741, Add positron emission tomography unit

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by August 14, 2002. All written requests and comments should be sent to:

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
915 G Leslie Boulevard  
Jefferson City, MO 65101

For additional information contact  
Donna Schuessler, 573-751-6403.

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

## **NOTICE OF WINDING UP OF THOUSAND OAKS IMAGING CENTER, LLC**

The above-referenced limited liability company has filed its Notice of Winding Up with the Missouri Secretary of State. All claimants of the limited liability company are hereby notified that any claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after the date of publication of this notice. In order to file a claim with the limited liability company, all claimants must furnish the following:

1. The amount of the claim;
2. The basis for the claim;
3. Documentation of the claim.

The claim must be mailed to: Kevin Checkett, Checkett & Pauly, P.C., P.O. Box 409, Carthage MO 64836.

**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: [www.moolb.state.mo.us](http://www.moolb.state.mo.us). Prospective bidders may receive specifications upon request.

B1E02277 Arts and Crafts Supplies 8/1/02;  
B2Z02061 Emergency Notification System 8/1/02;  
B3Z02200 Residential Assessment Facility, Correctional 8/6/02;  
B3Z02239 Revenue Maximization 8/6/02;  
B1Z03019 Meats-September 8/7/02;  
B3Z02241 Training Courses on Hazardous Materials 8/8/02;  
B3Z02218 Actuarial Services 8/9/02;  
B3Z02244 Refugee Resettlement Program—Social Services 8/9/02;  
B3Z02245 Refugee Resettlement Program—MAA 8/9/02;  
B3Z02250 Janitorial Services-421 East Dunklin 8/9/02;  
B3Z02213 Banking Services 8/16/02;  
B3Z03002 Public Education Campaign & Materials 8/16/02;  
B3Z03003 Public Education & Materials Targeting Minorities 8/16/02;  
B3Z02225 Audit Services-Counties 8/19/02;  
B3Z02211 Crisis Nursery Services 8/20/02;  
B3Z02199 Actuarial Services 8/26/02.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Live Otter Educational Programs, supplied by Paddlefoot Productions, Inc.

Uniform Commercial Code (UCC) System Expanded Software Development Services, supplied by Office Automation Solutions.

Minority and Women's Health Outreach Program, supplied by Missouri Primary Care Association.

U. S. Food Export Showcase, supplied by National Association of State Departments of Agriculture; Purchase of Training materials/books: Covey's Seven Habits of Highly Effective People and Four Roles of Leadership, supplied by Franklin Covey Co.

James Miluski, CPPO,  
Director of Purchasing

**Rule Changes Since Update to  
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule .....				25 MoReg 2478
	.....				27 MoReg 189
1 CSR 10-11.010	Commissioner of Administration .....	27 MoReg 1159	27 MoReg 1180		
1 CSR 15-2.200	Administrative Hearing Commission .....		27 MoReg 1093R		
1 CSR 15-2.210	Administrative Hearing Commission .....		27 MoReg 1093R		
1 CSR 15-2.230	Administrative Hearing Commission .....		27 MoReg 1093R		
1 CSR 15-2.250	Administrative Hearing Commission .....		27 MoReg 1094R		
1 CSR 15-2.270	Administrative Hearing Commission .....		27 MoReg 1094R		
1 CSR 15-2.290	Administrative Hearing Commission .....		27 MoReg 1094R		
1 CSR 15-2.320	Administrative Hearing Commission .....		27 MoReg 1095R		
1 CSR 15-2.350	Administrative Hearing Commission .....		27 MoReg 1095R		
1 CSR 15-2.380	Administrative Hearing Commission .....		27 MoReg 1095R		
1 CSR 15-2.390	Administrative Hearing Commission .....		27 MoReg 1095R		
1 CSR 15-2.410	Administrative Hearing Commission .....		27 MoReg 1096R		
1 CSR 15-2.420	Administrative Hearing Commission .....		27 MoReg 1096R		
1 CSR 15-2.430	Administrative Hearing Commission .....		27 MoReg 1096R		
1 CSR 15-2.450	Administrative Hearing Commission .....		27 MoReg 1097R		
1 CSR 15-2.470	Administrative Hearing Commission .....		27 MoReg 1097R		
1 CSR 15-2.480	Administrative Hearing Commission .....		27 MoReg 1097R		
1 CSR 15-2.490	Administrative Hearing Commission .....		27 MoReg 1097R		
1 CSR 15-2.510	Administrative Hearing Commission .....		27 MoReg 1098R		
1 CSR 15-2.530	Administrative Hearing Commission .....		27 MoReg 1098R		
1 CSR 15-2.560	Administrative Hearing Commission .....		27 MoReg 1098R		
1 CSR 15-2.580	Administrative Hearing Commission .....		27 MoReg 1099R		
1 CSR 15-3.200	Administrative Hearing Commission .....		27 MoReg 1099		
1 CSR 15-3.210	Administrative Hearing Commission .....		27 MoReg 1099		
1 CSR 15-3.250	Administrative Hearing Commission .....		27 MoReg 1100		
1 CSR 15-3.320	Administrative Hearing Commission .....		27 MoReg 1100		
1 CSR 15-3.350	Administrative Hearing Commission .....		27 MoReg 1101		
1 CSR 15-3.380	Administrative Hearing Commission .....		27 MoReg 1101		
1 CSR 15-3.390	Administrative Hearing Commission .....		27 MoReg 1102		
1 CSR 15-3.410	Administrative Hearing Commission .....		27 MoReg 1102		
1 CSR 15-3.420	Administrative Hearing Commission .....		27 MoReg 1103		
1 CSR 15-3.425	Administrative Hearing Commission .....		27 MoReg 1103		
1 CSR 15-3.430	Administrative Hearing Commission .....		27 MoReg 1104R		
1 CSR 15-3.440	Administrative Hearing Commission .....		27 MoReg 1104		
1 CSR 15-3.450	Administrative Hearing Commission .....		27 MoReg 1105R		
1 CSR 15-3.470	Administrative Hearing Commission .....		27 MoReg 1105		
1 CSR 15-3.490	Administrative Hearing Commission .....		27 MoReg 1106		
1 CSR 15-3.580	Administrative Hearing Commission .....		27 MoReg 1106		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel .....	27 MoReg 847			
1 CSR 40-1.090	Purchasing and Materials Management .....		27 MoReg 1107		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 10-5.010	Market Development .....	26 MoReg 1305R			
	.....	26 MoReg 1305			
2 CSR 10-5.015	Market Development .....	26 MoReg 2217	27 MoReg 451	27 MoReg 1044	
2 CSR 30-2.010	Animal Health .....	26 MoReg 2257	27 MoReg 681		
	.....		27 MoReg 966		
2 CSR 30-2.011	Animal Health .....	27 MoReg 848			
2 CSR 30-2.020	Animal Health .....		27 MoReg 967		
2 CSR 30-2.040	Animal Health .....	26 MoReg 2257	27 MoReg 685		
	.....		27 MoReg 969		
2 CSR 30-6.020	Animal Health .....	26 MoReg 2258	27 MoReg 688		
	.....		27 MoReg 970		
2 CSR 70-13.045	Plant Industries .....	27 MoReg 767	27 MoReg 774		
2 CSR 70-13.050	Plant Industries .....	27 MoReg 767	27 MoReg 776		
2 CSR 80-5.010	State Milk Board .....		27 MoReg 396	27 MoReg 1044	
2 CSR 90-10.040	Weights and Measures .....	27 MoReg 1161			
2 CSR 90-20.040	Weights and Measures .....		27 MoReg 454		
2 CSR 90-22.140	Weights and Measures .....		27 MoReg 454		
2 CSR 90-23.010	Weights and Measures .....		27 MoReg 454		
2 CSR 90-25.010	Weights and Measures .....		27 MoReg 455		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.130	Conservation Commission .....		27 MoReg 971		
3 CSR 10-4.141	Conservation Commission .....		27 MoReg 972		
3 CSR 10-5.205	Conservation Commission .....		27 MoReg 972		



Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-5.215	Conservation Commission		27 MoReg 973		
3 CSR 10-5.225	Conservation Commission		27 MoReg 973		
3 CSR 10-5.340	Conservation Commission		27 MoReg 1182		
3 CSR 10-5.345	Conservation Commission		27 MoReg 1184		
3 CSR 10-5.350	Conservation Commission		27 MoReg 973		
3 CSR 10-5.351	Conservation Commission		27 MoReg 1186		
3 CSR 10-5.352	Conservation Commission		27 MoReg 974		
3 CSR 10-5.353	Conservation Commission		27 MoReg 974		
3 CSR 10-5.359	Conservation Commission		27 MoReg 1188		
3 CSR 10-5.360	Conservation Commission		27 MoReg 1190		
3 CSR 10-5.365	Conservation Commission		27 MoReg 1192		
3 CSR 10-5.420	Conservation Commission		27 MoReg 1194		
3 CSR 10-5.425	Conservation Commission		27 MoReg 974		
3 CSR 10-5.440	Conservation Commission		27 MoReg 1196		
3 CSR 10-5.445	Conservation Commission		27 MoReg 1198		
3 CSR 10-5.460	Conservation Commission		27 MoReg 974		
3 CSR 10-5.465	Conservation Commission		27 MoReg 975		
3 CSR 10-5.550	Conservation Commission		27 MoReg 455.....	27 MoReg 921	
			27 MoReg 975R		
3 CSR 10-5.551	Conservation Commission		27 MoReg 456.....	27 MoReg 921	
			27 MoReg 975		
3 CSR 10-5.552	Conservation Commission		27 MoReg 976		
3 CSR 10-5.553	Conservation Commission		27 MoReg 976		
3 CSR 10-5.559	Conservation Commission		27 MoReg 976		
3 CSR 10-5.575	Conservation Commission		27 MoReg 976R		
3 CSR 10-5.576	Conservation Commission		27 MoReg 977		
3 CSR 10-5.577	Conservation Commission		27 MoReg 977		
3 CSR 10-5.578	Conservation Commission		27 MoReg 977		
3 CSR 10-6.405	Conservation Commission		27 MoReg 978		
3 CSR 10-6.410	Conservation Commission		27 MoReg 978		
3 CSR 10-6.415	Conservation Commission		27 MoReg 978		
3 CSR 10-6.540	Conservation Commission		27 MoReg 979		
3 CSR 10-6.550	Conservation Commission		27 MoReg 979		
3 CSR 10-6.605	Conservation Commission		27 MoReg 979		
3 CSR 10-7.410	Conservation Commission		27 MoReg 980		
3 CSR 10-7.435	Conservation Commission		N.A.....	27 MoReg 1044R	
			N.A.....	27 MoReg 1044	
3 CSR 10-7.455	Conservation Commission		27 MoReg 980		
3 CSR 10-8.510	Conservation Commission		27 MoReg 981		
3 CSR 10-8.515	Conservation Commission		27 MoReg 981		
3 CSR 10-9.106	Conservation Commission		27 MoReg 982		
3 CSR 10-9.110	Conservation Commission		27 MoReg 982		
3 CSR 10-9.220	Conservation Commission		27 MoReg 983		
3 CSR 10-9.351	Conservation Commission		27 MoReg 986		
3 CSR 10-9.353	Conservation Commission	27 MoReg 547	27 MoReg 552.....	27 MoReg 1051	
			27 MoReg 986		
3 CSR 10-9.359	Conservation Commission		27 MoReg 986		
3 CSR 10-9.425	Conservation Commission		27 MoReg 987		
3 CSR 10-9.560	Conservation Commission		27 MoReg 987		
3 CSR 10-9.565	Conservation Commission	27 MoReg 548	27 MoReg 553.....	27 MoReg 1051.....	27 MoReg 1062
3 CSR 10-9.566	Conservation Commission	27 MoReg 549	27 MoReg 554.....	27 MoReg 1051	
3 CSR 10-9.570	Conservation Commission	27 MoReg 988			
3 CSR 10-9.575	Conservation Commission	27 MoReg 988			
3 CSR 10-9.625	Conservation Commission	27 MoReg 988			
3 CSR 10-9.630	Conservation Commission	27 MoReg 989R			
3 CSR 10-9.645	Conservation Commission	27 MoReg 989			
3 CSR 10-10.725	Conservation Commission		N.A.....	27 MoReg 1052	
3 CSR 10-10.727	Conservation Commission		N.A.....	27 MoReg 1052	
3 CSR 10-10.743	Conservation Commission		27 MoReg 990		
3 CSR 10-11.110	Conservation Commission		27 MoReg 990		
3 CSR 10-11.115	Conservation Commission		27 MoReg 990		
3 CSR 10-11.125	Conservation Commission		27 MoReg 991		
3 CSR 10-11.140	Conservation Commission		27 MoReg 991		
3 CSR 10-11.145	Conservation Commission		27 MoReg 991		
3 CSR 10-11.150	Conservation Commission		27 MoReg 1200		
3 CSR 10-11.155	Conservation Commission		27 MoReg 992		
3 CSR 10-11.160	Conservation Commission		27 MoReg 992		
3 CSR 10-11.165	Conservation Commission		27 MoReg 993		
3 CSR 10-11.180	Conservation Commission		27 MoReg 993		
3 CSR 10-11.182	Conservation Commission		27 MoReg 994		
			27 MoReg 1200		
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- 9 CSR 45-5.060 Procedures to Obtain Certification . . . . .August 27, 2002

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13 CSR 70-15.040 Inpatient Hospital and Outpatient Hospital Settlements . . . . .February 27, 2003  
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<b>13 CSR 70-15.170</b>	Enhanced Disproportionate Share Payment to Trauma Hospitals for the Cost of Care to the Uninsured Provided by Physicians Not Employed by the Hospital . . . . .	February 27, 2003
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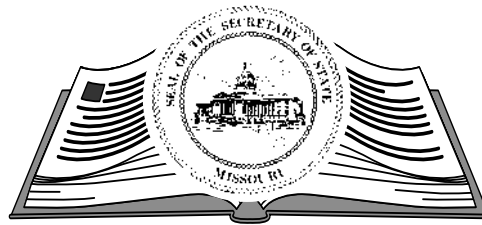
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